



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

July 24, 2012

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. LTI INC.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-120889

Dear Mr. Danner:

On July 11, 2012, the Washington Utilities and Transportation Commission issued Penalty Assessment TV-120889 against LTI INC. in the amount of \$2,100, for 21 violations of Washington Administrative Code (WAC) 480-70-071, which requires solid waste carriers to furnish annual safety reports to the commission no later than May 1 each year.

On July 13, 2012¹, LTI INC. wrote the commission requesting mitigation of penalties (Mitigation Request). LTI INC. admitted the alleged violation but asked that the penalty amount be considered. In its Mitigation Request, LTI INC. does not dispute that the violation occurred. The company states "we have never been late with our report and this is an over sight on my behalf." The company is requesting the penalty be reduced due to this oversight.

It is the company's responsibility to ensure that the regulatory fee and the annual report are filed by the May 1 deadline. On February 29, 2012, Annual Report forms and Regulatory Fee packets were mailed to all regulated solid waste carriers. On May 14, 2012, the commission mailed a letter to those companies that had not yet filed an annual report notifying them, to date, they had incurred a penalty of \$800. The letter went on to explain that companies who filed their annual reports no later than May 25, 2012 would receive mitigated penalties of \$25 per day, with an addition \$25 per day, for each instance in the previous five years that the company received a penalty for filing a late report. LTI INC. had substantial time and sufficient notice to file its annual report, if not by the May 1 deadline. LTI INC. filed its 2011 annual report on July 18, 2012. LTI INC. received a penalty for filing a delinquent annual report in 2006.

Based on the company's delinquent annual report filing in the past, staff does not support mitigating the assessed penalty and recommends the request be denied.

¹ See attachment for LTI INC. Mitigation Request.



If you have any questions, please contact Mathew Perkinson, Compliance Investigator, at (360) 664-1105, or at Mperkinson@utc.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharon Wallace".

Sharon Wallace, Assistant Director
Consumer Protection and Communications

TG-120889

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FINANCIAL SERVIC.



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JUL 2012

WASH. UT. & TP. COMM

LTI, Inc
P.O. Box 433
Lynden WA 98264
(360) 354-2101
(EO) 327-6285
Fax (360) 354-3571

July 13, 2012

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

To Whom it May Concern:

LTI, Inc. just received a notice for a \$2,100.00 fine for failure to submit our annual report for the year 2011. Please be advised that we have never been later with our report and this is an oversight on my behalf. In January of 2012 I made a payment for the \$7511.00 via the web site using my company credit card. At that time I thought I had also filed the 2011 report. However all I did at that time was to make payment for the 2012 permit. With this in mind I am respectfully request you reconsider this fine. At this time I have prepared the 2012 report and have sent it in. Your reconsidering of this fine will be greatly appreciated. If you have any questions please feel free to contact Jeff Kok at (360) 354-2101.

Sincerely

Jeff Kok

Safety And Compliance

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PROGRAMS MANAGER
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STATE OF WASH
UTIL. AND TRAN
COMMISSION