



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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June 15, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. P & D Development, Inc.*

Commission Staff's Response to Request for Hearing UW-150788

Dear Mr. King:

On May 20, 2015, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket UW-150788 against P & D Development, Inc. for 10 violations of Washington Administrative Code (WAC 480-110-505), which requires water companies to furnish annual reports to the commission no later than May 1 each year.

On May 29, 2015, P & D Development, Inc. wrote the commission requesting a hearing disputing the violation occurred. In its hearing request, the company states, "This is a request for a hearing because I believe one or more of the alleged violations did not occur because I have a file copy of my 2014 Annual Report dated April 6, 2015 and mailed on that same day to your office".

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 27, 2015, Annual Report packets were mailed to all regulated water companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

On May 29, 2015, P & D Development, Inc. submitted an incomplete annual report. Commission staff contacted the company via email on the same day to notify the company of the deficiency. The company has not responded to commission staff's request for a completed balance sheet.

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P & D Development, Inc. has been active since 2011. No previous violations of WAC 480-110-505 are on commission record. Staff does not support the company's request for hearing as the only argument provided was the company claiming to have mailed the report on April 6, 2015 without proof of delivery. P & D Development, Inc. bears the ultimate responsibility to ensure that the commission received the company's annual report by the due date. Staff would be amenable to mitigating the penalty to \$25 per day for a total assessed penalty of \$250 as this is the company's first delinquent filing subject to the completed balance sheet being filed with the commission.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services