



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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July 7, 2016

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. Ludtke-Pacific Trucking, Inc.*

Commission Staff's Response to Request for Hearing TG-160658

Dear Mr. King:

On June 17, 2016, the Utilities and Transportation Commission issued a \$200 Penalty Assessment in Docket TG-160658 against Ludtke-Pacific Trucking, Inc. for two violations of Washington Administrative Code (WAC 480-70-071), which requires solid waste companies to furnish annual reports and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On June 24, 2016, Ludtke-Pacific Trucking, Inc. wrote the commission requesting a hearing disputing the violation occurred. In its hearing request, the company states, "...I have included a copy of the confirmation number and receipt showing that Ludtke Pacific Trucking submitted and paid the regulatory fee on April 27, 2016. These violations did not occur and the filing and fees were paid 5 days prior to the date due."

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, or in this case, May 2 as May 1 was a Sunday. On February 29, 2016, Annual Report packets were mailed to all regulated solid waste companies. The instructions page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

On April 27, Ludtke-Pacific Trucking, Inc. submitted an incomplete annual report and paid the regulatory fee. Schedule 4, indicated substantial "Other Revenue" and did not specify the sources as requested. Schedule 3, listed zero non-regulated revenue. When this figure is provided, there are additional rows that provide further insight into the sources of revenue. On May 4, commission staff called and spoke with a representative at Ludtke-Pacific Trucking, Inc. and

advised the company of the missing information. The information was provided via email on May 4 and resulted in a complete annual report.

Staff does not support the company's request for hearing as commission staff did not receive a complete and accurate annual report prior to the May 2 deadline and it is the company's responsibility to file a complete and accurate annual report. Ludtke-Pacific Trucking, Inc. became an active solid waste company in 2002 and previously filed late for the following years: 2005, 2008, 2010, 2012 and 2013. Due to the history of violations, staff does not recommend mitigation nor a reduction of the penalty.

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

Sincerely,

A handwritten signature in blue ink that reads "M. Kufin for SW".

Sondra Walsh, Director
Administrative Services