



**Fiorito Enterprises, Inc and Rabanco Companies # G60**

1600 127<sup>th</sup> Ave. N.E.

Bellevue, WA 98005

Phone: (425) 646-2400 Fax: (425) 646-2440

July 11, 2006

Washington Utilities and Transportation Commission

P.O. Box 47250

Olympia, WA 98504-7250

Enclosed please find a copy of your Notice of Penalties Incurred no. TG-061052 dated June 30, 2006 and received by us on July 6, 2006, assessing penalties in the amount of \$100.00 for filing our annual return after May 1, 2006. While we agree that the RCW calls for filing by May 1, 2006, what is unclear is what constitutes "filing". For tax returns and other filings/payments due to most governmental agencies, including the IRS, State of Washington B&O taxes, property taxes and others, "filing" by mail requires that the envelope be postmarked on or before the "due date". In our case, our envelope was postmarked on May 1, 2006. Therefore, we request that the penalties on the above referenced Notice be reversed. Please also note that the instructions on your Notice of Penalties refer to an enclosed form, however, no such form was included, either in the certified envelope we received or the one received via regular mail. In the future, if it is your position that the filings must actually be physically received at your office by May 1, we will make sure that we comply.

Sincerely,

Mark E. Gregg

District Service Analyst

encls

RECEIVED  
JUL 12 2006  
WASH. UT. & TP. COMM.

NO MONIES  
ENCLOSED

RECEIVED  
RECORDS SECTION  
06 JUL 12 PM 12:12

SERVICE DATE

JUL 05 2006

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT NO: TG-061052

PENALTY AMOUNT: \$100

TO: EACH OF THE 20 SOLID WASTE  
COMPANIES LISTED IN ATTACHED APPENDIX A

The commission believes that you have committed one violation of Washington Administrative Code 480-70-071 which requires solid waste companies to file annual reports with the commission by May 1 each year. You are classified as such a company. Commission records show that you did not make the filing by the required date of May 1, 2006. (See Appendix A for individual carrier's report status as of June 19, 2006.) Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for every such violation.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount \$100, as follows:

On March 8, 2006, the commission mailed 2005 Annual Report forms and 2006 Regulatory Fee packets to you and other solid waste companies certificated in Washington State. A letter from Executive Secretary Carole Washburn instructed each company to file its annual report and pay its regulatory fees by May 1, 2006. The letter stated that failure to file your annual report by May 1 would result in a penalty and possible revocation of your registration to operate in Washington. Companies needing more time to file the annual report were permitted to request an extension before May 1, and to explain why the extension was needed. You did not request an extension of time and did not file your annual report before the deadline.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violation that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

**APPENDIX A**

	<b>Company Name</b>	<b>Received Yes or No</b>	<b>If yes, Date Received</b>
1.	Bed Rock, Inc.	Yes	May 10, 2006
2.	Blaine-Bay Refuse, Inc.	Yes	May 2, 2006
3.	Consolidated Disposal Services, Inc.	Yes	May 3, 2006
4.	DB Hauling, LLC	No	
5.	Emerald Services, Inc.	No	
6.	Fiorito Enterprises, Inc. & Rabanco Companies	Yes	May 3, 2006
7.	Hearn, William D.	No	
8.	LTI, Inc.	Yes	May 30, 2006
9.	Ludtke-Pacific Trucking, Inc.	Yes	May 2, 2006
10.	Peninsula Sanitation Service, Inc.	Yes	May 2, 2006
11.	Petland Cemetery, Inc.	Yes	May 16, 2006
12.	Points Recycling and Refuse, LLC	No	
13.	Pontius, Robert Vern	No	
14.	Rabanco LTD	Yes	May 3, 2006
15.	Robert L. Nichols	Yes	May 3, 2006
16.	Skamania County Sanitary Service, Inc.	No	
17.	Stericycle of Washington, Inc.	Yes	May 5, 2006
18.	Trashbusters of Washington State, LLC	Yes	May 2, 2006
19.	Waste Paper Services, Inc.	Yes	May 3, 2006
20.	West Waste & Recycling, Inc.	Yes	June 2, 2006