

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TG-141014

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. Payment of penalty. I admit that the violations occurred. I have:
- Enclosed \$ 200.00 in payment of the penalty
 - Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.
2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:
3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:
- a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision
 - OR b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/9/2014 [month/day/year], at Aberdeen, WA [city, state]

David Bielick
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

RCW 9A.72.020:

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."

¹See attachment A for a copy of the penalty assessment sent on May 22, 2014

²See attachment B for a copy of Petland Cemetery, Inc.'s Mitigation Request received on May 27, 2014



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

(360) 664-1160 • www.utc.wa.gov

June 6, 2014

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. Petland Cemetery, Inc.*

Commission Staff's Response to Application for Mitigation of Penalties TG-141014

Dear Mr. King:

On May 22, 2014, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TG-141014 against Petland Cemetery, Inc. for 10 violations of Washington Administrative Code (WAC) 480-70-071, which requires solid waste companies to furnish annual reports to the commission no later than May 1 each year.¹

On May 27, 2014, Petland Cemetery, Inc. wrote the commission requesting mitigation of penalties (Mitigation Request).² In its Mitigation Request, Petland Cemetery, Inc. does not dispute that the violation occurred. The company states, "There were no accidents in 2013. I do understand the space was left blank and you cannot assume the number zero. In checking our previous reports (included) please note that was not filled out in 2011 or 2012. Schedule 3 was our error. We should have checked that before the report was mailed and while I understand your request for the information, I don't feel a \$100.00 per day fine for missing mileage is fair or reasonable. Schedule 4 doesn't apply to the best of my knowledge since we don't own solid waste property. Again, please check the previous two years reports and see it was not filled out either year. In the case of both years, 2011 and 2012, there was nothing forthcoming from UTC regarding the forms being incomplete. In the future we will be sure to complete the form in its entirety and check it prior to mailing it."

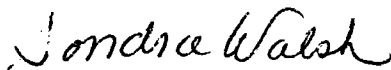
It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2014, Annual Report packets were mailed to all regulated solid waste companies. The instructions for annual report completion page of the

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, 2014, to avoid enforcement action.

Petland Cemetery, Inc. filed an incomplete annual report on April 30, 2014. Staff notified the company that its report was incomplete, and instructed the company to file the missing information. The company did not respond until the Penalty Assessment was served. Petland Cemetery, Inc. filed a late annual report in 2006 but has filed timely every year since that occurrence. Due to the commission prior practice of accepting annual reports without accident information and the company's acknowledgement of the requirement for future reporting, commission staff supports the company's request for mitigation. Staff recommends a reduced penalty assessment of \$200.

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

¹See attachment A for a copy of the penalty assessment sent on May 22, 2014

²See attachment B for a copy of Petland Cemetery, Inc.'s Mitigation Request received on May 27, 2014