

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TG-141017
Against)	
)	ORDER 01
VANDERVEEN FAMILY)	
TRANSPORT, INC.)	ORDER DENYING MITIGATION
)	
in the amount of \$200)	
.....)	

BACKGROUND

- 1 Washington law requires solid waste companies to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-70-071. On February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all regulated solid waste companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 Vanderveen Family Transport did not file its annual report on May 1. On May 23, the Commission assessed a penalty of \$200 against Vanderveen Family Transport, calculated as \$100 per business day from May 1 to May 5, the day the report was received.
- 3 On June 3, 2014, Vanderveen Family Transport responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that it believed the report would be delivered by May 1, but it was two days late. The Company also stated it had no regulated revenue in 2013, and therefore owed no regulatory fee.

4 On June 13, 2014, Commission Staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation because the Company received a penalty for violations of WAC 480-70-071 in 2013, and presented no new information for Staff to consider.

DISCUSSION

5 WAC 480-70-071 requires regulated solid waste companies to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for being aware of applicable Commission rules and complying with their legal obligations. Accordingly, the Company should have taken measures to ensure its annual report was received by May 1, particularly in light of the fact that the Company received a penalty for violations last year.

6 The Commission agrees with Staff's recommendation and denies the Company's request for mitigation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance and the likelihood the violation will recur.¹ Ultimately, the Commission's goal is to gain compliance going forward. Here, the Company filed late in 2013, and received and paid a reduced penalty at that time. The Company's compliance history demonstrates that the violation is likely to recur absent an additional penalty. Accordingly, the Commission finds the penalty to be a reasonable deterrent to overlooking future filing deadlines and requirements.

ORDER

THE COMMISSION ORDERS:

- 7 (1) The request of Vanderveen Family Transport, Inc. for mitigation of the \$200 penalty is DENIED.
- 8 (2) The penalty is due and payable no later than August 14, 2014.

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

- 9 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective July 31, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website. The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.