

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET TG-141014
Against)
) ORDER 01
PETLAND CEMETERY, INC.)
) ORDER GRANTING
in the amount of \$1,000) MITIGATION TO \$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 On April 30, 2014, Petland Cemetery filed its annual report but failed to include information related to accidents, total mileage, and solid waste collection property ownership. On May 22, the Commission assessed a penalty of \$1,000 against Petland Cemetery for filing an incomplete annual report, calculated as \$100 per business day from May 1 to May 15.
- 3 On May 27, 2014, Petland Cemetery 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 in years past, it has left the accident and property ownership sections blank without consequence. The Company also admitted it made an error by failing to include mileage information.
- 4 Petland Cemetery timely paid its regulatory fee and filed a complete annual report on May 27, 2014.

5 On June 6, 2014, Commission Staff (Staff) filed a response recommending a penalty reduction to \$200. Staff explained Petland Cemetery filed an incomplete annual report on April 30, 2014, and did not respond to staff's instructions to complete the form until the penalty assessment was served. Staff noted that although Petland Cemetery filed a late annual report in 2006, it has since filed timely. Staff based its recommendation for a penalty reduction on the Company's compliance history, the Commission's past practice of accepting the Company's incomplete reports, and the Company's acknowledgement of future reporting requirements.

6 On June 10, 2014, after receiving Staff's response to its mitigation request, Petland Cemetery remitted a \$200 payment to the Commission.

DISCUSSION

7 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 complying with their legal obligations, and the Company should have been aware of the need to file a complete annual report. The fact that the Commission accepted incomplete reports from the Company in years past does not relieve this obligation.

8 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur.¹ This is Petland Cemetery's only infraction of WAC 480-70-071 in more than five years; the Company timely paid its regulatory fee, and has corrected the violation. Finally, the Company acknowledges, and commits to fulfill, its reporting obligations going forward. Because we are satisfied with the Company's representations of future compliance, the Commission will exercise its discretion to reduce the penalty to \$200.

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

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request of Petland Cemetery, Inc. for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$200.
- 10 (2) The penalty was paid in full on June 10, 2014.
- 11 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 8, 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.