

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TG-091024
Against	)	
	)	
TRASHBUSTERS OF WASHINGTON	)	ORDER 01
STATE, LLC,	)	
	)	ORDER DENYING HEARING
in the amount of \$100.	)	REQUEST
.....	)	

- 1 **Penalty.** On June 29, 2009, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in Docket TG-091024 in the amount of \$100 against Trashbusters of Washington State, LLC (Trashbusters), for violation of WAC 480-70-071, which requires solid waste companies to file annual reports with the Commission by May 1 each year. On May 15, 2009, the Commission sent letters to those companies that had not yet filed their annual reports, instructing the companies that the Commission was extending the filing deadline to May 29, 2009. Trashbusters failed to file its 2008 Annual Report by the extended deadline of May 29, 2008.
  
- 2 **Request for Hearing.** Trashbusters filed a Request for Hearing before an administrative law judge on July 17, 2009. Trashbusters stated that it has 15 to 20 competitors operating without a permit, and these competitors have not faced any penalties from the state. Trashbusters opined that it is unsure why the company must be licensed and pay annual fees when its competitors do not.
  
- 3 **Answer.** On July 22, 2009, Commission Staff filed a response opposing the request for hearing. Staff states that Trashbusters received the penalty assessment order on June 30, 2009. The request for hearing, attached to the penalty assessment order, states that the request must be filed within 15 days of receipt. Staff asserts that, because Trashbusters’ request for hearing was not received until July 17, 2009, after the deadline, Staff recommends that Trashbusters’ request be denied.
  
- 4 **Commission Decision.** RCW 81.04.405 allows the Commission to consider remission or mitigation of penalties “upon written application ... received within fifteen days.” The statute makes no “good cause” or other exception to this 15-day

deadline to seek review of penalties imposed by the Commission. Thus, regardless of the circumstances, the Commission has no jurisdiction to consider untimely requests.

5 The Commission denies Trashbusters' late filed request for hearing. It is undisputed that the company received the penalty assessment by certified mail on June 30, 2009. Therefore, under RCW 81.04.405, the company was required to ensure its response was received by the Commission no later than July 15, 2009. The company failed to do so.

6 Trashbusters' request for hearing was received by the Commission on July 17, 2009; 2 days after the statutory deadline for such requests had expired. Under RCW 81.04.405, the Commission has no jurisdiction to mitigate or otherwise review the penalty. Accordingly, the penalty of \$100 is due and payable immediately.

7 Trashbusters has raised the separate claim that the company's competitors are operating without benefit of a Commission-issued permit or authority. Trashbusters is encouraged to cooperate with Commission Staff in providing information on these businesses so that the Commission may conduct an investigation into the allegation pursuant to RCW 81.04.510.

8 The Executive Director and Secretary has been delegated to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective July 28, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES:** This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

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 Web site.