BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| In the Matter of the Penalty Assessment Against  MONTGOMERY, ALTON L.  In the Amount of $1,000.  . | DOCKET TG-141013  COMMISSION STAFF’S REQUEST TO WITHDRAW PENALTY ASSESSMENT AND CANCEL HEARING |

1. On June 2, 2014, the Washington Utilities and Transportation Commission (Commission) issued a $1,000 Penalty Assessment against Alton L. Montgomery in the above referenced docket, for ten violations of WAC 480-70-071, which requires solid waste companies to file their annual reports and pay regulatory fees to the Commission no later than May 1 each year. According to the penalty assessment, the report was not complete.
2. On May 28, 2014, Karin Montgomery filed a letter on behalf of Alton L. Montgomery requesting a hearing. In the letter, Ms. Montgomery explains that she timely filed the company’s annual report on May 1, 2014, and after consulting with Commission Staff was instructed to enter zeros (0) in the totals area of Schedules 2, 2A, and 2B on the annual report (balance sheets); however she was not able to and so the zeros displayed as a dashes (-). The company explains that they have “no assets, property, liabilities, debts, or equity; therefore these schedules do not pertain to us.” Based on the request, the Commission set the matter for hearing on August 26, 2014.
3. Commission Staff concurs that the annual report was timely filed, and that that the annual report was technically complete as the company tried to enter zeros on the balance sheets available from the Commission’s website but was unsuccessful and as a result they appear as dashes. Because the company was technically in compliance, it should not be penalized. Accordingly, Commission Staff requests that the penalty assessment be withdrawn and the hearing canceled.

DATED this 12th day of August, 2014.

Respectfully submitted,

ROBERT W. FERGUSON

Attorney General

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