

[Service date August 20, 2014]



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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August 20, 2014

**NOTICE WITHDRAWING PENALTY AND CANCELING BRIEF
ADJUDICATIVE PROCEEDING**

RE: Alton L. Montgomery, Request for Hearing and Request for Mitigation of Penalty Assessment, Docket TG-141013

TO ALL PARTIES:

On June 2, 2014, the Washington Utilities and Transportation Commission (Commission) issued and served a Penalty Assessment against Alton L. Montgomery in the amount of \$1,000, alleging violations of WAC 480-70-071, which requires solid waste companies to file annual reports and pay regulatory fees by May 1 each year. According to the penalty assessment, the report was not complete.

On May 28, 2014, Karin Montgomery filed a response to the penalty assessment on behalf of the company, requesting a hearing and explaining that the Company timely filed its annual report on May 1. However, each time Ms. Montgomery attempted to enter a “zero” in various fields of the online annual report form as instructed by Commission Staff (Staff), it appeared as a dash. The Commission scheduled a brief adjudicative proceeding on August 26, 2014, to consider this matter.

On August 12, 2014, Commission Staff (Staff) filed a response and concurred that the Company’s annual report was timely filed. At Staff’s direction, the Company attempted to enter zeroes in multiple fields of the online annual report form, but the zeroes appeared as dashes. Accordingly, Staff requested the Commission withdraw the penalty assessment and cancel the hearing.

The Commission's primary objective in any enforcement action is to ensure compliance with a company's legal obligations; penalties both punish noncompliance and provide an incentive to comply in the future. The assessed penalty would further neither of these goals; but for the error in the Commission's online form, the Company's annual report would have been considered completely and timely filed. The Commission therefore withdraws the penalty assessed against Alton L. Montgomery and cancels the Brief Adjudicative Proceeding scheduled for August 26.

THE COMMISSION GIVES NOTICE that the penalty of \$1,000 assessed against Alton L. Montgomery is withdrawn and Docket TG-141013 is closed.

GREGORY J. KOPTA
Director, Administrative Law Division