

[Service Date September 14, 2006]

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

In the Matter of the Penalty Assessment) DOCKET TG-061052
Against POINTS RECYCLING AND)
REFUSE in the Amount of \$100.00) ORDER 02
)
)
) ORDER DENYING MITIGATION
.....)

1 **Penalty:** On July 5, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$100 against Points Recycling and Refuse (Points) for one violation of WAC 480-70-071(1)(b), which requires regulated solid waste and/or refuse collection companies to file annual reports with the commission no later than May 1 of each year.

2 **Petition for Mitigation:** On July 25, 2006, Points filed a petition for mitigation and waived a hearing. Points stated that it had several issues pending before the Commission Staff that were not being resolved to its satisfaction. Points stated that when the Commission addressed its issues it would comply with the regulation.

3 **Answer:** On August 3, 2006, Commission Staff responded to the petition for mitigation. Staff stated that Points holds a solid waste certificate and cannot select the rules with which it will comply or the timing for that compliance. Staff opposed mitigation.

4 **Commission Decision:** The Commission denies the petition. It is undisputed that Points did not comply with the applicable regulation and Points failed to offer good cause for its failure. Failing to comply with the regulation without stating good cause in a petition for mitigation is sufficient reason to uphold the penalty assessment against Points.

5 In its petition for mitigation, Points expresses an extreme attitude toward compliance with the Commission's regulations. That is, Points will fulfill its legal obligations under the statutes and Commission regulations when and if the Commission first

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fulfills Points' outstanding "demands" to the standard established by Points. That is unacceptable.

- 6 As a certificated solid waste carrier, Points is required to comply with **all** applicable regulations and in a timely manner. Accordingly, the penalty is appropriate. Moreover, should Points fail to remit the penalty payment in a timely manner along with the required Annual Report, further enforcement is likely.

- 7 It is so ordered.

DATED at Olympia, Washington, and effective September 13, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.