



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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November 6, 2020

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION
TO IMPOSE SUSPENDED PENALTY
(By Monday, November 16, 2020)**

RE: *In the Matter of the Determining the Proper Carrier Classification of, and Complaint for, Penalties Against David Theodore Kuntz, d/b/a DK Dumpers, Docket TG-190969*

TO ALL PARTIES:

On January 22, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as Solid Waste Collection Company; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 imposed a \$2,000 penalty against David Theodore Kuntz, d/b/a DK Dumpers, (DK Dumpers or Company) for violations of RCW 81.77.040 for advertising and operating as a solid waste collection company without the required Commission certificate. The Commission suspended a \$1,900 portion of the penalty on the conditions that: a) DK Dumpers refrain from further operations as a solid waste collection company in the state of Washington without first obtaining the required certificate from the Commission, and b) the Company pay the unsuspended portion of the penalty.

On January 23, 2020, the Company paid the unsuspended portion of the penalty.

On November 5, 2020, Commission Staff (Staff) filed with the Commission a Motion to Impose Suspended Penalty (Motion) requesting the Commission impose the \$1,900 suspended penalty. In its follow-up investigation of DK Dumpers, Staff found evidence that the Company had continued to operate as a solid waste collection company in the state of Washington without having obtained the required certificate from the Commission.

Any party that opposes a written motion may file a written response within five business days after the motion is served.¹ The Commission has reason to believe that the Company, who has not had legal representation during this proceeding, may be overly constrained by this deadline. Accordingly, DK Dumpers may file a written response to Staff's motion by Monday, November 16, 2020. The Company may include with its response a request for a hearing to contest Staff's allegations, provided it also includes a written statement of the reasons it believes a hearing is necessary. The Commission will conduct a hearing only if the Company identifies genuine issues of material fact that need to be resolved in an evidentiary hearing. If DK Dumpers fails to file a response, the Commission will rely on Staff's motion to make its decision.

THE COMMISSION GIVES NOTICE That David Theodore Kuntz, d/b/a DK Dumpers, must file any written response to Staff's motion or request for hearing and supporting explanation by 5 p.m., Monday, November 16, 2020.

/s/ Rayne Pearson

RAYNE PEARSON

Director, Administrative Law Division

¹ WAC 480-07-375(4).