

**BEFORE
THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment
against

WASTE MANAGEMENT OF
WASHINGTON, INC.

In the amount of \$47,700.

DOCKET TG-190495

REQUEST FOR REVIEW OF THE
EXECUTIVE SECRETARY'S ORDER

I. INTRODUCTION & SUMMARY

I Pursuant to WAC 480-07-904(3), Waste Management of Washington, Inc. (WMW) hereby petitions the Commission for review of the Executive Secretary's Order 01 "Denying Contest of Violations; Granting Mitigation; Suspending Penalty, in Part" issued in this matter on August 28, 2019 (the "Order"), a copy of which is attached hereto as **Exhibit A**. WMW requests review of only one part of the Order, specifically the 253 alleged violations of 49 CFR § 391.45(a) and the \$12,650 penalty assessed for these violations. Order at ¶¶ 12-18. These violations should be rescinded because the Washington State Patrol (WSP), not the Commission, is responsible for regulating vehicle and driver safety for WMW's container delivery drivers and vehicles. The Commission's regulations at WAC 480-70-201 do not apply to container delivery vans or trucks because these vehicles are **not** used "for the purpose of transporting solid waste for collection and/or disposal." RCW 81.77.010(1).

2 WMW uses “container delivery trucks” (“CDTs”)¹ to do just that: deliver and retrieve empty solid waste and recyclable containers to and from the residents and businesses it serves. For example, WMW will deliver a container to a customer when service to the customer begins, when the customer wants a smaller or larger container, or when a damaged container needs replacement. These vans or small trucks are not garbage trucks. Neither WMW nor its subcontractors use them to collect or transport solid waste or recyclables.

3 Through Chapter 81.77 RCW, the Washington Legislature has granted to the Commission the authority to regulate solid waste collection companies, including the authority to set motor vehicle and driver safety requirements. And the Commission has done so. It has adopted by reference, with some modifications, some of the vehicle and driver safety requirements codified by the Federal Motor Carrier Safety Administration (FMCSA) in Title 49 of the Code of Federal Regulations. WAC 480-70-201. These regulations include the requirement that the driver of a “motor vehicle” with a gross vehicle weight rating (GVWR) of 10,001-26,000 pounds must be medically examined and certified under 49 CFR § 391.45(a).

4 Yet, by their express language, the Commission’s safety requirements apply **only** to those “vehicles” or “motor vehicles” used to transport solid waste for collection or disposal. WAC 480-70-041. Since CDTs are not used to transport solid waste, they are **not** “vehicles”, or “motor vehicles”, or “commercial motor vehicles” under Chapter 480-70 WAC and therefore are **not** subject to the Commission’s safety requirements. Instead, the CDTs and their drivers must comply with the WSP’s safety requirements under Chapter 446-65 WAC. The WSP’s requirements notably exempt drivers of vehicles with GVWRs of 10,001-26,000 pounds from the

¹To avoid confusion between the narrow statutory term “vehicle” under RCW 81.77.010(6) and the broader common usage of “vehicle”, this Request for Review will refer to the container delivery vehicles (broad usage) at issue as “container delivery trucks or vans” (“CDTs”) and not as “vehicles”.

medical exam and certification (sometimes referred to as the “medical card”) requirement in 49 CFR § 391.45(a). WMW’s CDT drivers comply with the WSP’s requirements and therefore cannot be cited for violations of the Commission’s regulations because they are not applicable. Both the 253 violations and the penalty must be rescinded.

II. FACTUAL BACKGROUND

A. Container Delivery Vans & Drivers

5 A necessary, yet incidental, task for any solid waste collection company is the delivery and retrieval of garbage cans and containers to and from its customers. WMW, like almost all other solid waste collection companies, does not use solid waste collection vehicles – *i.e.*, garbage trucks – to deliver and retrieve these containers. Instead, they typically transport the empty cans and containers in small container delivery trucks or vans (“CDTs”) – typically having a GVWR in the 10,001-26,000-pound range. See **Exhibit C** at Exhs. 2 & 3 (photos). Given its hundreds of thousands of customers and large WUTC and franchised city service territories, WMW either uses its own dedicated container delivery drivers or hires subcontractors for container delivery.² See **Exhibit B**, Declaration of Gerald Ginter at ¶ 4 (attached hereto).

B. The Medical Examination and Certificate Standard

6 Central to this matter is an inconsistency between the safety standards implemented by the WSP and the Commission. In WAC 480-070-201(1), the Commission has incorporated by reference the FMCSA’s medical exam/certificate requirement, which states in its relevant part:

The following persons must be medically examined and certified in accordance with § 391.43 of this subpart as physically qualified to operate a commercial motor vehicle:

² Third-party container management and delivery to customers is an established service provided by a number of companies. Examples of advertisements of these services include: “Can Do!” (www.cdsrvs.com/container-deployment.html), Toter (www.toter.com/custom-service-solutions/cart-assembly-delivery); and Rehrig Pacific Company (www.rehrigpacific.com/solution/field-tech-support-services).

(a) Any person who has not been medically examined and certified as physically qualified to operate a commercial motor vehicle;

49 CFR § 391.45. The Commission has adopted this standard with no modifications. WAC 480-070-201(1).

7 In contrast, while the WSP and the Commission have adopted almost all the same standards, the WSP specifically exempted drivers operating vehicles with a 10,001-26,000-pound GVWR from the medical exam/certification requirement in 49 CFR § 391.45(a):

The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), as they exist on October 1, 2017, for motor carriers used in intrastate or interstate commerce in their entirety:

...
(r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.

WAC 446-65-010(1)(r) (emphasis added). Subpart E includes the regulation at issue – 49 CFR § 391.45(a).

8 When WMW reviewed the safety requirements that apply to its CDT drivers in 2017, it asked the WSP whether the medical exam/certification requirement in 49 CFR Part 391 applied to its CDT drivers in the 10,001-26,000-pound GVWR range. See Ginter Decl. at ¶ 5. The WSP advised WMW that these requirements did **not** apply. Ginter Decl. at ¶ 6.

C. Investigation and Penalty Assessment

9 In March 2019, the Commission conducted a routine safety investigation of WMW's safety fitness and compliance with the FMCSA regulations that the Commission has adopted. The investigator reviewed the files of approximately 80 WMW drivers. Although the investigation concluded with WMW receiving a **SATISFACTORY** safety rating, the investigator identified a number of violations, including the 253 medical exam/certification

violations at issue here. As a result of this investigation, on July 10, 2019, the Commission issued a “Penalty Assessment” in the amount of \$47,700 for the following four categories of alleged violations:

Table 1 – Penalty Assessment (July 10, 2019)

Count & Violation	49 CFR Section	# of Violations	Proposed Penalties
1. Driving with Downgraded CDL	§ 383.37(a)	199	19,900
2. Driving without Medical Certificate	§ 391.45(a)	274	27,400
3. Incomplete Driver Qualification Files	§ 391.51(b)(2)	1	-
4. Vehicle Maintenance	§ 396.3(a)(1)	4	400
			47,700

10 WMW filed a timely response to the Penalty Assessment in which the Company requested mitigation of all penalties and contested 253 of the 271 violations alleged under Count No. 2. *See Exhibit C.* WMW contested the violations of 49 CFR § 391.45(a) for three CDT drivers who had been driving without medical certificates that the WUTC investigator and Staff contend are required under the Commission’s safety regulations. WMW asserted then, as it does now, that only the WSP’s regulations apply, and Commission’s safety regulations do not apply to the three drivers cited because the CDTs are not used to transport solid waste. Ginter Decl. at ¶ 8. With respect to its mitigation claims, WMW explained it had taken aggressive, prompt, and effective corrective actions, including promptly ensuring that all driver files were complete, up-to-date, and included the medical exam/certifications for all drivers (including the CDT drivers). Based on WMW’s corrective actions and other mitigating considerations, WMW also asked the Commission to mitigate the proposed penalty.

11 In its Reply to WMW’s Response, Commission Staff recommended mitigation of the initial penalties, but rejected WMW’s arguments challenging the violations of the medical exam/certificate requirement for the three CDT drivers. This matter was thereafter delegated to the Executive Secretary for decision. On August 28, 2019, the Executive Secretary issued its

Order 01 in which it upheld the Staff's position by both affirming the proposed mitigation and rejecting WMW's challenge to the 253 violations in Count No. 2. See **Exhibit A**. WMW now seeks review by the full Commission of the Executive Secretary's decision.

III. ARGUMENT

A. The Commission Cannot Adopt Regulations nor Issue Orders Exceeding Its Legal Authority

12 It is an indisputable principle of administrative law that an agency cannot exercise authority that it does not have. *Human Rights Comm'n v. Cheney Sch. Dist.* 30, 97 Wn.2d 118, 125 (1982) ("Administrative agencies may exercise only those powers conferred on them 'either expressly or by necessary implication'."). Thus, the Commission can neither adopt regulations nor issue orders if the Washington legislature has not provided it with the statutory authority to do so.³ Moreover, the agency's regulations cannot change or expand the statute being implemented.⁴

13 Yet, through its Order, the Commission seeks to expand its authority under Chapter 81.77 RCW to include within the definition of "motor vehicle" or "vehicle" those CDTs that do not transport solid waste. Those two statutory definitions state:

(1) "Motor vehicle" means any truck, trailer, semitrailer, tractor, or any self-propelled or motor driven vehicle used upon any public highway of this state **for the purpose of transporting solid waste, for the collection or disposal, or both, of solid waste;**

(6) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or **by which any solid waste is or may be transported or drawn**

³ RCW 34.05.570(2)(c) (rule is invalid if it "exceeds the statutory authority of the agency"); RCW 34.05.570(3)(b) (agency order is invalid if it is "outside the statutory authority or jurisdiction of the agency conferred by any provision of law"); RCW 34.05.570(4)(c) (agency action is invalid if it is "outside the statutory authority of the agency or the authority conferred by a provision of law").

⁴ *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 19 (2002) ("Administrative rules or regulations cannot amend or change legislative enactments."); *Bostain v. Food Express, Inc.*, 159 Wn.2d 700, 715 (2007) (rules that are not consistent with the statutes that they implement are invalid).

upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rail or tracks;

RCW 81.77.010 (emphasis added). For purposes of Chapter 81.77 RCW, the only vehicles subject to the Commission’s jurisdiction are those that are used for transporting solid waste.

14 As discussed above, CDTs are not used to transport solid waste for purposes of collection or disposal.⁵ CDTs deliver empty container and retrieve empty containers. CDTs are vans or small trucks (*e.g.*, pickup trucks, panel vans) that look nothing like traditional garbage trucks. They serve purely a function incidental to WMW’s solid waste collection services. As such, CDTs are neither “vehicles” nor “motor vehicles” under Chapter 81.77 RCW and therefore the driver safety standards in WAC 480-70-201(1) do not apply. Instead, these CDTs and drivers are regulated by the WSP.

B. The Commission’s Regulations Apply Only to Vehicles that Are Actually Used to Transport Solid Waste for Collection and/or Disposal.

15 Moreover, the Commission’s regulations also confirm that the WAC 480-70-201 safety requirements do not apply to container delivery vehicles. In WAC 480-70-201, the Commission adopts by reference most, but not all, of the federal vehicle and driver safety requirements. In particular, WAC 480-70-201(1) specifically does not incorporate by reference “motor vehicle” as defined in 49 CFR Part 390, but instead adopts the narrower definition in WAC 480-70-196, which states:

For the purposes of the rules in Part 5—Equipment and Drivers, “commercial motor vehicle” means any self-propelled or towed **motor vehicle** used on a highway when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating,

⁵ WMW would of course concede that a driver of a truck or van in the 10,001-26,000-pound GVWR range that actually collects solid waste for disposal would be subject to the Commission’s medical exam/certification requirements.

or gross vehicle weight or gross combination weight, of ten thousand and one pounds or more, whichever is greater; ...

WAC 480-70-196(1) (emphasis added). Thus, the term “commercial motor vehicle” is a subset of the slightly more general term “motor vehicle”, which is more specifically defined in this same chapter of the WUTC regulations as:

“Motor vehicle” means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle **used** on any public highway of this state **for the purpose of transporting solid waste for collection and/or disposal**.

WAC 480-70-041 (emphasis added). If a vehicle does not meet the definition of a “motor vehicle” under WAC 480-70-041, *ipso facto* it cannot meet the definition of “commercial motor vehicle” under WAC 480-70-196(1).

C. Trucks that Do Not Transport Solid Waste Are Not Commercial Motor Vehicles Merely Because the Containers They Carry Are a “Necessary Component” of Solid Waste Collection.

16 The Order wrongly concludes that the CDTs are “commercial motor vehicles” under WAC 480-70-196, which defines the term as “any self-propelled or towed **motor vehicle**” WAC 480-70-196 (emphasis added). Recognizing that WAC 480-70-196 uses the term “motor vehicle” – a term defined by statute, the Order correctly concludes that the Commission’s safety regulations (WAC 480-70-201) apply only to those “commercial motor vehicles” that are used “for the purpose of transporting solid waste, for the collection or disposal, or both, of solid waste.”⁶ Order at ¶ 16.

17 While the Order acknowledges that the CDTs never actually transport solid waste (Order at ¶ 12), it nonetheless concludes that a truck need not actually transport solid waste to be

⁶ This concession is wise. If the Commission were to claim it can regulate all “commercial motor vehicles” under WAC 480-70-196 regardless of whether they are used for the purpose of transporting solid waste, it would be ignoring the specific limitations in the definitions of “motor vehicle” and “vehicle” in RCW 81.77.010. *Bostain v. Food Express, Inc.*, 159 Wn.2d 700, 715 (2007) (“Rules that are not consistent with the statutes that they implement are invalid.”).

regulated, it merely need be a “necessary component” of a solid waste collection tariff. Order at ¶ 17. The Order adopts an overly-expansive interpretation of the phrase “for the purpose of transporting solid waste, for the collection or disposal, or both, of solid waste” to include trucks that transport **empty** containers to and from customers. It reasons wrongly that because containers are a “necessary component” of a solid waste collection tariff, the Commission obviously must have the authority to regulate the trucks that deliver those containers. Neither the statute nor common sense supports such a strained and broad interpretation. Nowhere does the statute grant the Commission authority over trucks not transporting solid waste. And nowhere does the statute or regulation establish this “necessary component” test.

18 The attempt to regulate driver qualifications for CDTs that do not transport solid waste fails legally, linguistically, and as a simple matter of common sense. *First*, the Order ignores the statutory definition of “vehicle”, which is:

“Vehicle” means every device capable of being moved upon a public highway and **in, upon, or by which any solid waste is or may be transported or drawn upon a public highway**, except devices moved by human or animal power or used exclusively upon stationary rail or tracks;

RCW 81.77.010(6) (emphasis added). To be a “vehicle” subject to Commission regulation under Chapter 81.77 RCW, the “device” itself must be used to “transport or draw” solid waste upon a public highway. The statute says nothing about other “devices” that are “necessary components” (as the Order claims) but are not actually used to transport solid waste. The only “devices” that meet the definition of “vehicle” are those that actually transport solid waste. Significantly, the definition of “vehicle” does not use the phrase “for the purpose of transporting solid waste.” *Compare* RCW 81.77.010(6) *with* RCW 81.77.010(1). Reading the definitions of “vehicle” and “motor vehicle” together demonstrates the unambiguous statutory prerequisite that the Commission’s safety standards

apply only to those vehicles that are actually used to haul solid waste. The standards do not apply to CDTs that merely provide ancillary – yet important – support to the solid waste collection services.

19 **Second**, a plain reading of the definition of “motor vehicle” does not support the Order’s interpretation. “Motor vehicle” is defined as:

any truck, trailer, semitrailer, tractor, or any self-propelled or motor driven vehicle **used** upon any public highway of this state **for the purpose of transporting solid waste, for the collection or disposal, or both, of solid waste;**

RCW 81.77.010(1) (emphasis added). Significantly, the term “motor vehicle” is defined by reference to the already-defined term “vehicle” and must be given the same meaning. *Powerex Corp. v. Reliant Energy Servs.*, 551 U.S. 224, 232 (2007) (“[I]dentical words and phrases within the same statute should normally be given the same meaning.”). If a CDT is not a “vehicle” under the statute, it cannot be a “motor vehicle”. Further, the phrase “used for the purpose of transporting solid waste” means only those vehicles that are actually used to carry solid waste. The statute does not define “motor vehicles” to be vehicles that merely are “necessary components” of solid waste collection. It does not include trucks that do not actually haul solid waste but merely “relate to”, “support”, or “are incidental to” the collection of solid waste. The vehicle itself must be used “for the purpose of transporting solid waste.” This means a garbage truck or a semitrailer hauling a load of trash. Even if the phrase “for the purpose of transporting solid waste” could be read more broadly,⁷ such a reading would ignore the narrowing effect of the “vehicle” definition, which strikingly does not include this phrase. RCW 81.77.010(6)

⁷ Commission staff has argued that the phrase “for the purpose of” preceding “transporting solid waste” broadens the scope of covered activities. Staff Reply at 4 n.4. By relegating this argument to a footnote, Commission staff seems to recognize that such a term “for the purpose of” can hardly be any support for extending the Commission’s authority to virtually any activity that might relate to collecting solid waste. This would be an awfully thin thread to support expanding the Commission’s jurisdiction to vehicles not actually transporting solid waste. The Legislature does not “hide elephants in mouseholes.” *Whitman v. American Trucking Association*, 531 U.S. 457, 468 (2001). It certainly deserves no deference. *Elec. Lightwave v. Utils. & Transp. Comm’n*, 123 Wash. 2d 530, 540 (1994) (courts do not defer to the Commission the power to determine the scope of its own authority).

(“Vehicle” means every device ... in, upon, or by which any solid waste is or may be transported”).

20 **Third**, the Order’s interpretation defies industry practice and common sense. If the Commission has the authority to regulate any vehicle merely because it somehow supports a certificated hauler’s solid waste collection operations, what are the limits? WMW and other solid waste collection companies contract with third parties to deliver containers to their customers. See footnote 2 above. WMW is not aware that the WUTC regulates or would even contemplate regulating these third-party container delivery companies as solid waste collection companies. After purchase, container manufacturers use trucks or semi-trailers to deliver containers to WMW’s hauling yards. Would those trucks or semi-trailers fall within the Commission’s jurisdiction because the containers being delivered are a “necessary component” of solid waste collection? What about other activities that are necessary, but incidental to solid waste collection? Does the Commission regulate WMW’s tow truck that might be used to tow a disabled garbage truck back to the shop? Or the WMW mechanic’s pickup truck used to for roadside repair of a garbage truck? What about the pickup truck used by a route manager to observe WMW’s garbage trucks on route? Do the Commission’s safety regulations supplant the WSPs to include the tanker truck delivering fuel – certainly a necessary component for hauling waste – to a hauler’s truck yard? It would be an overreach to suggest that the Commission regulates all of these ancillary services just because they are related to the transportation of solid waste. It would be no less an overreach to regulate the CDTs that only deliver and retrieve empty containers.

D. Commission Staff Overstates WMW’s Position and Ignores the Washington State Patrol’s Role in Qualifying Commercial Drivers.

21 Commission staff offers several arguments to support an interpretation that expands the Commission’s jurisdiction beyond its statutory authority. *First*, it argues that it would be “absurd” that the Commission’s rules would not apply to an empty garbage truck, but only after it picks up its first load of waste on route. Staff Reply at ¶ 8. WMW has never suggested this result and concedes that its garbage trucks are subject to Commission regulation because they are actually used to transport solid waste – regardless of whether they happen to be empty or full at any time. Staff’s argument is an irrelevant strawman – a false argument set up for the Staff to refute needlessly.

22 *Second*, Staff claims that exempting drivers of 10,001-26,000-pound GVWR CDTs from the medical exam/certification present “serious safety concerns.” Staff Reply at ¶ 8. Not only does Staff not cite any evidence for this concern,⁸ it is belied by the fact that the WSP exempts these drivers from the medical exam/certificate requirement. WAC 446-65-010(1)(r). The Washington Legislature has entrusted the WSP with enforcing the safety requirements for commercial motor vehicles, performing vehicle inspections, and determining driver qualifications. RCW 46.32.080(1); RCW 46.32.020(1)(a). If the lack of a medical exam/certificate were a significant safety concern, it is hard to understand why the WSP would have such an exemption.

⁸ While Staff’s Reply cites in a footnote to the Declaration of Jason Sharp to support this claim, nowhere does the declaration present any evidence on this point.

E. The Commission's Order Will Create Needless Confusion and Duplication in Regulating Vehicles Not Actually Used to Transport Solid Waste.

23 Finally, there is no apparent policy reason why the Commission should regulate CDTs and their drivers, rather than the WSP. It would also be very confusing to determine whether the WSP or the Commission (or both?) regulates safety for particular vans or trucks that do not transport solid waste but from time-to-time might support a G-certificated hauler by delivering containers. For example, would the WSP or the Commission regulate the safety requirements of a pickup truck pulled over for inspection if it were used to deliver garbage containers three years ago? Three months ago? That morning? If a van and driver transport one container on one occasion, do they forever fall within the Commission's regulatory jurisdiction? Could a driver and truck avoid WSP enforcement because they once drove a CDT to deliver a small garbage can to replace a damaged one?

24 By limiting its safety enforcement to just those vehicles actually used to transport solid waste, the Commission can set a bright line and avoid confusion over which vehicles are regulated by the Commission and which by the WSP. Since these CDTs are already effectively regulated by the WSP, there is no obvious need for the Commission regulate them as well.

IV. PENALTY CALCULATION

25 If the Commission agrees that the 253 alleged violations of 49 CFR § 391.45(a) were wrongfully issued and the associated penalties must be rescinded, the total penalty assessed in the Order must be reduced by \$12,650. WMW concedes that, if the penalties are reduced, the Commission would likely not suspend the full amount (\$13,850) it proposed. Order at ¶ 39. Using the same percentage (58%) in the Order for the amount suspended, WMW suggests it would be appropriate to suspend \$6,500, resulting in a penalty owed of \$4,700. The following table presents the penalty calculation in the Order and as reduced:

Table 2 - Penalty Recalculation

Count	49 CFR Section	Per Violation	Order 01		WMW Recalculation	
			# of Violations	Total	# of Violations	Total
1.	§ 383.37(a)	\$50	199	9,950	199	9,950
2.	§ 391.45(a)	\$50	274	13,700	21	1,050
3.	§ 391.51(b)(2)	\$0	1	0	1	0
4.	§ 396.3(a)(1)	\$50	4	200	4	200
				23,850		11,200
Suspended				(13,850)		(6,500)
Penalty Owed				10,000		4,700

V. CONCLUSION

26 WMW appreciates both the Commission’s recognition of WMW’s prompt actions to correct the violations identified in the safety investigation and the Commission’s willingness to mitigate the penalties assessed. With respect to 253 of the violations of 49 CFR § 391.45(a), however, the Commission has overstepped its authority by interpreting “vehicle” and “motor vehicle” to include container deliver trucks that do not actually transport solid waste. WMW is not aware of any precedent for the Commission to create an “essential” or “necessary” component test for defining what trucks are subject to regulation by the Commission, rather than the WSP.

27 The Commission may have some discretion in how it interprets the statutes it administers; however, it does not have the authority to extend its regulatory powers beyond the authority granted to it by the Legislature. Doing so is an unwarranted and statutorily-unsupportable expansion of the Commission’s authority into vague and unbounded territory. It is unreasonable to read the statutory definition of “vehicle” (“every device ... in, upon, or by which any solid waste is or may be transported”) or “motor vehicle” (“vehicle used ... for the purpose of transporting solid waste”) to cover trucks that are not used to transport solid waste.

28 For these reasons, WMW requests that the Commission rescind the 253 alleged violations of 49 CFR § 391.45(a) and reduce the penalty to \$11,200, of which \$6,500 would be suspended.

Respectfully submitted this 9th day of September 2019.



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Attorney for Waste Management of
Washington, Inc.

Exhibits:

- A. Order Denying Contest of Violations; Granting Mitigation; Suspending Penalty, in Part (Aug. 28, 2019)
- B. Declaration of Gerald Ginter (Sep. 6, 2019)
- C. Response to Penalty Assessment TG-190495 (July 25, 2019)


CERTIFICATE OF SERVICE

I, Andrew M. Kenefick, certify that on this 9th day of September, 2019, I caused to be delivered the following document(s) to the persons listed below according to the delivery instructions shown:

- Request for Review of The Executive Secretary's Order & Exhibits

Daniel Teimouri,
Assistant Attorney General

By eMail
Daniel.teimouri@utc.wa.gov


Andrew M. Kenefick