

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TG-081637
PENALTY AMOUNT: \$300

Points Recycling and Refuse, LLC
PMB 1542
145 Tyee Drive
Point Roberts, Washington 98281-9602

The Washington Utilities and Transportation Commission (Commission) believes that you have committed a violation of Washington Administrative Code 480-70-071 which requires solid waste companies to file annual reports with the Commission by May 1 each year. You are classified as such a company. Commission records show that you did not make the filing by the required date of May 1, 2008. Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for every such violation. Each and every such violation shall be a separate and distinct offense and, in the case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount \$300, as follows:

On February 29, 2008, the commission mailed 2007 Annual Report forms and 2008 Regulatory Fee packets to solid waste companies certificated in Washington State. A letter from Executive Secretary Carole Washburn instructed companies to file annual reports and pay regulatory fees by May 1, 2008. Further, the letter stated failure to file the annual report by May 1 could result in a penalty. Those companies wishing to request an extension to file the annual report were asked to do so prior to May 1, providing a reason for the requested extension.

On April 1, 2008, the commission mailed a notice to all solid waste companies reminding them that 2007 annual reports and 2008 regulatory fees were due by May 1, 2008.

On April 30, 2008, Points filed with the commission a petition for exemption of WAC 480-70-071, requesting a 60-day extension to file its 2007 annual report. The request was docketed under TG-080770. On that same date, Points filed with the commission its 2008 Regulatory Fee Calculation sheet and made payment in the amount of \$1,260.73 for its 2008 regulatory fee.

On May 15, 2008, the commission granted Points' request for an extension, giving the company until July 1, 2008, to file its 2007 annual report.

On July 11, 2008, Points filed a second petition for exemption of WAC 480-70-071, requesting further extension to file its 2007 annual report no later than August 14, 2008. On July 31, 2008, the commission granted Points' request, giving the company until August 14, 2008, to file the report. Points failed to file its report by the extended deadline. On September 3, 2008, the commission received Points' 2007 annual report.

Points previously failed to file with the commission its 2005 and 2006 annual reports timely. On July 5, 2006, in docket TG-061052, Points received a \$100 penalty assessment for its failure to file the 2005 annual report by May 1, 2006. On June 28, 2007, in docket TG-071244, Points received a \$200 penalty assessment for its failure to file the 2006 annual report by May 1, 2007.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violation that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.


You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective September 11, 2008.

A handwritten signature in cursive script, reading "Ann E. Rendahl", is written over a horizontal line.

ANN E. RENDAHL
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT No. TG-081637

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed. If you have questions regarding this penalty, please contact Sheri Hoyt, Compliance Specialist, by phone at (360) 664-1149 or by e-mail at shoyt@utc.wa.gov.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- 1. **Payment of penalty.** I admit that the violation occurred and enclose \$300 in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
 - a) I ask for a hearing for a decision by an administrative law judge
 - OR b) I waive a hearing and ask for an administrative decision on the information I present here:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”