

**Exh. KM-1T
Docket TG-230191
Witness: Kathryn McPherson**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against,**

**SOMERS SUNRISE ENTERPRISES,
LLC**

DOCKET TG-230191

TESTIMONY OF

KATHRYN McPHERSON

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Settlement Testimony

July 10, 2023

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1 **I. INTRODUCTION**

2

3 **Q. Please state your name and business address.**

4 A. My name is Kathryn McPherson, and my business address is 621 Woodland Square
5 Loop SE, Lacey, Washington, 98503. My business mailing address is P.O. Box
6 47250, Olympia, Washington, 98504-7250. My business email address is
7 kathryn.mcpherson@utc.wa.gov.

8

9 **Q. By whom are you employed and in what capacity?**

10 A. I work in the Motor Carrier Section of the Transportation Safety Division of the
11 Washington Utilities and Transportation Commission (Commission) as a Solid
12 Waste Compliance Investigator 3. I have worked at the Commission since 2016.

13

14 **Q. Would you please state your educational and professional background?**

15 A. I have an Associate Arts Degree from Pasco-Hernando College. I have worked as an
16 investigator with the Commission since January, 2019. Previously, I worked in social
17 services for more than 10 years.

18

19 **Q. Have you previously testified before the Commission?**

20 A. Yes.

21

1 10, 2022, explaining the rules regarding the transportation of waste. That initial
2 complaint was closed in early 2022.

3

4 **Q. What led to the present complaint being filed by Commission Staff against**
5 **Somers Sunrise?**

6 A. After the initial complaint was closed in early 2022 and the company agreed to
7 cease and desist hauling waste for compensation, I received a follow up complaint
8 that the company continued to transport waste from orchards to the Ephrata Landfill
9 in violation of RCW 81.77.040. I followed up by contacting the Grant County Solid
10 Waste and found that the company had transported waste 90 times.

11

12 **Q. Other than Commission Staff and the Defendant in this matter, are there any**
13 **other parties in this matter?**

14 A. Yes. Waste Management of Washington, Inc. intervened in this matter just prior to
15 the Pre-Hearing Conference.

16

17 **Q. Is there a proposed settlement in this matter?**

18 A. Yes.

19

20 **Q. Have all the parties agreed to that settlement?**

21 A. Yes.

22

23

1 **Q. What are the terms of that settlement?**

2 A. The Company admits to 90 violations of RCW 81.77.040. The company accepts a
3 penalty of \$90,000 under a two year compliance period with periodic Commission
4 inspections for the two years following. The company pays a suspended penalty of
5 \$9,000 under an agreed payment plan. The company ceases and desists from
6 continuing to haul waste in violation of Washington law. At the end of two years, if
7 the company has not committed any additional violations, the remaining \$81,000 in
8 suspended penalties will be waived. If the company does not comply with the
9 settlement agreement, Staff may request the suspended penalties of \$81,000 be
10 imposed.

11
12 **Q. What is the basis for a penalty of \$90,000?**

13 A. Staff requested the penalty of \$90,000 because the company transported 90 loads to
14 the Grant County Landfill. Staff requested a penalty of \$1,000 for each violation the
15 company incurred.

16
17 **Q. Somers Sunrise has continued operations after agreeing to cease and desist
18 before. What makes this time different?**

19 A. The company previously continued to operate after technical assistance. There had
20 been no consequence to his illegal operations. I believe that Somers Sunrise will
21 comply with the cease and desist based on the suspended penalty of \$81,000. The
22 company will have active reviews at 6 months, 12 months, 18 months and 24 months
23 during the compliance review time. Staff will ensure that any violations by Somers

1 Sunrise will prompt Staff to initiate a request to reinstate the suspended penalty
2 (\$81,000).

3

4 **Q. Is this settlement in the public interest?**

5 A. Yes.

6

7 **Q. Please describe why and how this settlement is in the public interest.**

8 A. As the settlement requires the company to discontinue transporting waste in the
9 tariffed area of Consolidated (and Washington State) without a Certificate, and the
10 consumers in the area will continue to have rates that are determined by Commission
11 Staff, ensuring the rates are fair, just, reasonable and sufficient.

12

13 **Q. Why is the settlement penalty of \$90,000 in the public interest?**

14 A. I believe the \$9,000 immediately due and payable on a payment plant is in the public
15 interest because it is substantial enough to encourage continued compliance of the
16 company with Commission rules. In addition, the company will have a suspended
17 penalty of \$81,000 that shall remain suspended as long as the company continues to
18 comply over the next two years. The company's compliance with Commission rules
19 is in the public interest because it allows the Commission to ensure that rates in the
20 area are fair, just, reasonable, and sufficient to both consumers and companies
21 holding a certificate.

22

23

1 **Q. Do you have anything else to add regarding this matter?**

2 A. Staff plans to work jointly with the Somers Sunrise to ensure compliance with the
3 terms of the settlement by conducting periodic compliance checks on the company at
4 6, 12, 18, and 24 months following entry of any Commission order approving
5 Settlement.

6

7 **Q. Does that conclude your testimony?**

8 A. Yes.

9

10

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