

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

WASHINGTON UTILITIES AND	)	DOCKET TG-101639
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
TRASHBUSTERS OF WASHINGTON	)	DECLARATION OF SHERI HOYT
STATE, LLC	)	
	)	
Respondents.	)	
	)	
.....	)	
	)	
	)	

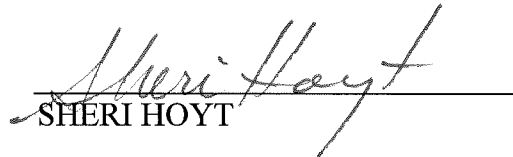
SHERI HOYT, under penalty of perjury under the laws of the State of Washington, declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Consumer Program Specialist in the Consumer Protection Section. I have been employed at the Commission for over 18 years, holding various positions. As a Consumer Program Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies as it pertains to the filing of annual reports and paying of regulatory fees to the Commission. As part of those duties, I investigate solid waste collection companies that may be operating in violation of Commission statute or rule.
  
2. On February 26, 2010, the Commission mailed 2009 Annual Report forms and 2010 Regulatory Fee packets to solid waste collection companies certificated with it. A letter from Executive Director and Secretary David W. Danner instructed companies to file annual reports and pay regulatory fees by May 1, 2010. 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. A copy of the letter is attached as Attachment A.

3. On March 31, 2010, the Commission mailed a notice to all solid waste collection companies reminding them that 2009 annual reports and 2010 regulatory fees were due by May 1, 2010. A copy of the letter is attached as Attachment B.
4. On May 14, 2010, the Commission sent letters to those companies that had not yet filed annual reports. The letter, signed by David Danner, gave an extension to companies to file their reports by May 31, 2010. In the letter, Mr. Danner stated the Commission would not seek a fine or move to revoke the certificate of any company that submitted a report to the Commission postmarked on or before May 31, 2010. A copy of the letter is attached as Attachment C.
5. In preparation for the annual revocation proceeding, on September 29, 2010, Financial Services staff provided me a list of all delinquent companies. The list is gathered from the Commission's Annual Report Tracking System (ARTS). As of that date, the Commission had received neither the 2009 annual reports nor the 2010 regulatory fees from Trashbusters of Washington State, LLC (Trashbusters).
6. On June 30, 2010, as part of an enforcement effort regarding late filed or delinquent 2009 annual reports, in Docket TG-101000, the Commission issued Trashbusters a \$200 penalty assessment for failure to file its 2009 annual report by May 1, 2010. Trashbusters received a \$200 penalty assessment because it was the second consecutive year the company failed to file its annual report by the May 1 deadline.
7. On July 13, 2010, the Commission received a signed U.S. Postal Service certified mail card confirming receipt of the penalty by Trashbusters on July 12, 2010. A copy of the certified card is attached as Attachment D.
8. Further review of Commission records revealed Trashbusters has an outstanding \$100 penalty assessment, issued on June 29, 2009, in Docket TG-091024, for failure to file its 2008 annual report by May 1, 2009. On July 17, 2009, the Commission received a Request for Hearing on behalf of Trashbusters. Trashbusters' Hearing Request indicated the company felt the alleged violation did not occur and requested a hearing and decision by an administrative law judge, stating, "Our industry appears to operate in an unregulated environment. I have 15 – 20 competitors who operate without a permit and have not faced any sanctions from the state. I want to know why I must be registered and pay fees while my competitors do not."
9. Trashbusters' Hearing Request was received by the Commission two days after the statutory deadline for such requests had expired. Under RCW 81.04.405, the Commission had no jurisdiction to mitigate or otherwise review the penalty. Accordingly, on July 28, 2009, the Commission issued an order denying the Hearing Request. Trashbusters was notified the \$100 penalty was due and payable immediately.

10. On September 25, 2009, the Commission sent Trashbusters a letter signed by David W. Danner, Executive Secretary and Director, notifying it that the outstanding penalty must be paid by October 2, 2009, or it would be referred to the Office of the Attorney General for collection. On September 29, 2009, the Commission received a signed U.S. Postal Service certified mail card confirming receipt of the notice by Trashbusters on September 28, 2009. A copy of the certified card is attached as Attachment E.
11. Although the Commission received Trashbusters' 2008 annual report and 2009 regulatory fee calculation sheet on July 16, 2009, Trashbusters failed to pay its 2009 regulatory fee. ARTS indicates the Commission has sent Trashbusters numerous invoices for the amount due. Calculated through September 29, 2010, Trashbusters owes the Commission \$2,865.77, for its 2009 regulatory fee, including applicable penalties and late fees. The account was sent to an outside collection agency on March 15, 2010.
12. On January 20, 2010, the Office of the Attorney General sent Trashbusters a letter signed by Sally Brown, Senior Assistant Attorney General, notifying the company of the Commission's intent to send the outstanding \$100 penalty assessment to an outside collection agency, as well. ARTS indicates the delinquent penalty assessment was sent to a collection agency on March 15, 2010.

DATED this 9<sup>th</sup> day of November 2010 at Olympia, Washington.

  
SHERI HOYT

## ATTACHMENT A

February 26, 2010

Dear Regulated Company:

**Reference: Your 2009 Annual Report and 2010 Regulatory Fees are Due May 1**

State law requires you to file an annual report and pay regulatory fees to the Washington Utilities and Transportation Commission (UTC).

**What is required of me?**

By May 1, you must:

- Complete and file one paper copy or electronic version of the enclosed 2009 annual report form
- Pay your 2010 regulatory fees

**What happens if I do not file a completed annual report by May 1?**

If you do not file your company's annual report by May 1 UTC staff will recommend a financial penalty between \$100 and \$800 depending on whether you have filed late in the past. If you have repeatedly filed late, the penalty will be higher. Staff may also recommend revocation of your authority to operate in Washington. Staff will also recommend a \$100 financial penalty if your annual report is incomplete, *i.e.*, not signed or lacking requested information, even if it is filed on time.

**What happens if I do not pay my regulatory fees by May 1?**

If you do not pay your company's regulatory fee by May 1, you will incur a:

- 2 percent penalty on the amount due; and
- 1 percent monthly interest charge on the unpaid balance.

**May I request an extension of time if I am unable to file the annual report by May 1?**

Yes, however, you must make the request in writing before May 1 and include a valid reason for why you need an extension. We will notify you whether your request is approved or denied. You will still be liable for penalty and interest payments if you fail to pay your fee by May 1.

**May I designate any information that I submit in my annual report as confidential?**

Yes, however, you must meet two conditions. You may only request confidential treatment if your company is regulated under Title 80 RCW, that is, if you operate an electric, natural gas, telecommunications, or water company. Transportation companies, regulated under Title 81 RCW, may not request confidential treatment of documents because the authority for such

treatment is found only in RCW 80.04.095. If a Title 81 company files their annual report or fee sheet as confidential, we will not treat it as confidential.

Second, you must follow the requirements for filing confidential documents in WAC 480-07-160. You may find this rule at the UTC Web site, [www.utc.wa.gov](http://www.utc.wa.gov). Locate "Quick Links" on the right side of the home page then select "2009 annual reports."

**Please note:** The regulatory fee sheet portion of your report is not a confidential document and will not be accorded confidential treatment under the rule. We will not, however, disclose credit card information you list on the fee sheet.

**Where do I mail my completed annual report form and regulatory fee payment?**

Washington Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-7250

**May I file my report electronically?**

Yes. You may file your report from the UTC's Web site – [www.utc.wa.gov](http://www.utc.wa.gov). From the home page, select the "document" tab at the top of the page and then locate and select "electronic filing" from the colored bar on the left side of the page. Alternatively you may go directly to the electronic filing page by entering [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) into your browser.

**Where may I obtain an electronic version of the annual report form?**

Forms are available on our Web site at [www.utc.wa.gov](http://www.utc.wa.gov). Locate "Quick Links" on the right side of the home page and then select "2009 annual reports."

**May I pay my regulatory fees electronically?**

Yes. You may call 360-664-1152 or e-mail [rcarnes@utc.wa.gov](mailto:rcarnes@utc.wa.gov) requesting information about payment by Automated Clearing House. A statement of payment should accompany your Annual Report and Regulatory Fee Sheet.

**Is there any additional information I should file?**

- If you are a gas distribution company, please also file both a paper and electronic copy of your Federal Energy Regulatory Commission Form 2.
- If you are an electric company, please also file both a paper and electronic copy of your Federal Energy Regulatory Commission Form 1.
- If you are a class 1 Railroad, please also file a copy of your Surface Transportation Board Form R-1 - including statistics specific to the state of Washington.

**What should I do if my company is no longer operating in Washington?**

You may cancel your registration or permit by using the cancellation forms available on our Web site at [www.utc.wa.gov](http://www.utc.wa.gov). Locate "Quick Links" on the right side of the home page and then select "2009 annual reports." From the annual reports page select the

cancellation link to access the forms. Please note that if your company operated in Washington during the 2010 calendar year you must pay regulatory fees and file a closing annual report based on the months of operation during 2009.

**Who do I contact if I have questions?**

If you have questions about any aspect of your report or regulatory fee, please contact Rae Lynn Carnes at (360) 664-1152 or [rcarnes@utc.wa.gov](mailto:rcarnes@utc.wa.gov).

If you need this letter or an annual report form in an alternate format, please call 360-664-1243. The TTY Toll-Free phone number is 1-800-416-5289.

Sincerely,

David W. Damer  
Secretary

Enclosures

## ATTACHMENT B

### **Reminder!** **Annual Reports and Regulatory Fees are due May 1, 2010**

On February 26, we sent you a 2009 annual report form and 2010 regulatory fee form. This is just a friendly reminder that your company's completed annual report and payment of your regulatory fees are due, postmarked, no later than May 1.

If you already mailed your annual report and regulatory fees, **thank you!** Please disregard this notice. If you have not yet filed, please be sure not to miss this deadline.

You may mail your completed annual report form and regulatory fee payment to:

Washington Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504-7250

You may also file your report electronically via the UTC's Web filing portal. From the UTC's home page, [www.utc.wa.gov](http://www.utc.wa.gov), select the "document" tab at the top of the page and then locate and select "electronic filing" from the colored bar on the left side of the page. Alternatively you may go directly to the electronic filing page by entering <http://utc.wa.gov/e-filing> into your browser.

You may obtain an electronic version of the annual report and regulatory fee sheet at our Web site; locate "Quick Links" on the homepage and then select "2009 annual reports".

If you fail to pay your regulatory fee or file your company's completed annual report, postmarked by May 1, UTC staff will recommend the commission issue a financial penalty. Staff may also recommend that the commission cancel your authority to operate in Washington.

Please don't let either happen. If you have questions about your report or fee or need assistance, please contact me at 360-664-1152 or e-mail me at [rcarnes@utc.wa.gov](mailto:rcarnes@utc.wa.gov).

Sincerely,

Rae Lynn Carnes,  
Revenue Accountant

## ATTACHMENT C

May 14, 2010

Attention:

Your annual report to the Utilities and Transportation Commission (commission) was due May 1 as required by law. You are now subject to enforcement action by the commission, including financial penalties. This letter tells you what you can do to avoid this. **If you have already submitted your annual report, please disregard this notice.**

Commission staff mailed you a 2009 annual report form and fee calculation sheet on February 26, 2010. On March 1, 2010, staff mailed a reminder to file your report and pay your fees. Commission records indicate that you have not yet filed the completed report form.

**Commission staff will file for enforcement action against your company unless your completed report is received postmarked no later than May 31.** Enforcement action in this matter may include penalties of up to \$100 for each day it is late and cancellation of your authority to provide solid waste collection services in Washington. If your annual report was late last year and you received a penalty, the penalty this year will be incrementally higher.

If the commission receives the report **postmarked no later than May 31**, commission staff will not seek a fine or move to revoke your certificate.

Annual report forms are available on the commission's Web site at [www.utc.wa.gov](http://www.utc.wa.gov). If you have questions or require additional information, please contact Sheri Hoyt, Compliance Investigator, at (360) 664-1149 or [shoyt@utc.wa.gov](mailto:shoyt@utc.wa.gov).

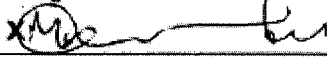

Sincerely,

David W. Danner  
Executive Director and Secretary



ATTACHMENT D

TG-701000

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3, so complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>MOHAMED</u> C. Date of Delivery <u>July 12/10</u></p>
<p>1. Article Addressed to:</p> <p></p> <p>TRASHBUSTERS OF WASHINGTON          POST OFFICE BOX 2530          BLAINE, WASHINGTON 98231-2530</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><u>RMS</u> <u>X</u></p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 <u>6/30</u> Domestic Return Receipt <u>Penalty</u> <u>rcjh</u> 102595-02-M-1540</p>	

ATTACHMENT E

TG-091024

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION FOR DELIVERY	
<p>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <ul style="list-style-type: none"> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mike McKee, President                  Trashbusters of Washington State, LLC                  PO Box 2530                  Blaine, WA 98231-2530</p>	<p>B. Received by (Printed Name)                  GLEN SKINNER</p>	<p>C. Date of Delivery                  9-28-09</p>
<p>2. Article Number                  (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No                  If YES, enter delivery address below:</p> <p>RMS                  J</p>	
<p>PS Form 3811, February 2004 9/05</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7007 0710 0000 5793 4565</p> <p>Domestic Return Receipt <i>envelope</i> <i>PCN</i> 102595-02-M-1540</p>	