



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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July 7, 2020

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Sean Smith*
Commission Staff's Response to Request for Payment Arrangements
Docket TG-190488

Dear Mr. Johnson:

On April 1, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 04 in Docket TG-190488, which assessed a \$2,000 penalty against Sean Smith, (Smith or Company) for two violations of RCW 81.77.040. A \$1,500 portion of the penalty was suspended for a period of two years from effective date of the Order, subject to the condition that Smith complied with the terms of the Order. Order 04 held that "Smith must pay the \$500 portion of the penalty that is not suspended in five equal monthly installments of \$100."¹

In April 2020, penalties were deferred per Judge Pearson until October 2020, for other solid waste and passenger transportation companies with active payment plans for penalties. As Smith was still working on a settlement agreement with the Attorney General's office in Docket TG-190488, he did not receive the suspended payment plan afforded to other similarly situated companies.

On May 1, 2020, Smith's first payment of \$100 was due to the commission with four remaining payments due June 1, July 1, August 1, and September 1, 2020. Smith has not made any payments to date.

On June 17, 2020, the commission's financial department sent Smith a Final Notice showing the full amount of non-suspended penalty due for \$500.

On June 29, 2020, Smith contacted staff by phone stating he received a past due notice. Smith was referred to the commission's financial department.

¹TG-190488 Order 04

Mark L. Johnson

July 7, 2020

Page 2

On June 30, 2020, the commission's financial department contacted Investigator McPherson and explained that Smith requested an extension on his payment arrangement, citing financial hardship during COVID-19.

On July 6, 2020, Commission staff (staff) and the Company came to a mutual agreement on a proposed payment plan. The proposed payment plan factors the impacts the COVID-19 pandemic is having on businesses, as follows:

Current Payment Plan			Proposed Payment Plan		
Installment	Due Date	Amount	Installment	Due Date	Amount
1	May 1, 2020	\$100	1	Oct. 1, 2020	\$100
2	June 1, 2020	\$100	2	Nov. 1, 2020	\$100
3	July 1, 2020	\$100	3	Dec. 1, 2020	\$100
4	Aug 1, 2020	\$100	4	Jan. 1, 2021	\$100
5	Sept. 1, 2020	\$100	5	Feb. 1, 2021	\$100
Total		\$500	Total		\$500

In addition, staff proposes that if Smith is unable to pay the first installment due to economic uncertainties surrounding the COVID-19 pandemic, that the Company file an extension request prior to the due date.

Smith is aware that if fails to pay any installment by the due date, or fails to request and is granted an extension by the due date, that the entire remaining balance will become immediately due and payable without further Commission order.

If you have any questions, please contact Kathryn McPherson, Solid Waste Enforcement Investigator, Transportation Safety, at (360) 664-1108, or by email at kathryn.mcpherson@utc.wa.gov.

Sincerely,



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Perkinson, Mathew (UTC)
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Mathew Perkinson

Assistant Director, Transportation Safety