

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

SEAN SMITH

DOCKET TG-190488

ORDER 05

GRANTING PAYMENT
ARRANGEMENT EXTENSION

BACKGROUND

- 1 On October 20, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing, pursuant to RCW 81.04.510, initiating this docket on its own motion. The Complaint alleged that Sean Smith (Sean Smith or Company) violated RCW 81.77.040 on two occasions by advertising and offering to transport solid waste for compensation without first obtaining from the Commission a certificate of public convenience and necessity required for such operations.
- 2 On April 1, 2020, the Commission entered Order 04, Order Approving Settlement Agreement; Classifying Respondent as a Solid Waste Carrier; Imposing and Suspending Penalties (Order 04). Order 04, among other things, imposed a penalty of \$2,000 and suspended \$1,500 subject to the condition that Sean Smith comply with the terms of the Order 04. Order 04 required the Company to pay the remaining \$500 portion of the penalty that was not suspended in five monthly payments of \$100 beginning in May 2020.
- 3 On August 6, 2020, Staff contacted the Executive Director and Secretary of the Commission explaining that the Company had missed the first several payments and now requested an extension on the installment plan due to the ongoing effects of the COVID-19 pandemic, and that Staff supports the request. The Company and Staff jointly propose that the payment plan commence on October 1, 2020.
- 4 Staff also proposes that if Sean Smith is unable to make the first payment due to the ongoing public health crisis, the Company will file a further request for extension of the payment plan. If the Company misses the first payment, the entire balance will become due and payable immediately.

DISCUSSION

5 The installment payment schedule Staff and the Company propose is reasonable. As Staff points out in its letter, the Commission granted similar extensions to similarly situated companies in April due to the anticipated economic effect of the COVID-19 pandemic. Sean Smith was not granted an extension at that time because the Commission had not yet approved the settlement agreement. The Commission therefore approves the proposal with two modifications. First, Sean Smith may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$500 is satisfied. Second, because November 1, 2020, falls on a Sunday, the payment plan is adjusted as follows:

Installment	Original Due Date	New Due Date	Amount
1	May 1, 2020	October 1, 2020	\$100
2	June 1, 2020	November 2, 2020	\$100
3	July 1, 2020	December 1, 2020	\$100
4	August 1, 2020	January 1, 2020	\$100
5	September 1, 2020	February 1, 2020	\$100

ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) The \$500 penalty is due and payable to the Commission in installments as set out in paragraph 5, above.
- 7 (2) If Sean Smith fails to pay any installment by 5 p.m. on the date it is due without having filed a request for extension, the unpaid balance, as well as the \$1,500 suspended portion of the penalty, will immediately become due and payable without further order by the Commission.

- 8 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective August 17, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson on behalf of
MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.