



**STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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April 4, 2022

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION TO IMPOSE
SUSPENDED PENALTY
(By Monday, April 11, 2022)**

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Westside Waste, LLC*
Docket TG-190672

TO ALL PARTIES:

On March 25, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 03, Order Classifying Respondent as a Solid Waste Carrier; Order Imposing and Suspending Penalties (Order 03). Order 03 approved a settlement agreement (Settlement) between Westside Waste, LLC, (Westside Waste or Company) and Commission staff (Staff) that required Westside Waste to cease and desist operating as a charter party or excursion service carrier and imposed a fine of \$113,000 for 113 violations of RCW 81.77.040, all but \$7,500 of which was suspended for a period of two years conditioned on the Company: (1) permanently refraining from operating as a solid waste collection company without first obtaining a certificate from the Commission and (2) paying the \$7,500 portion of the penalty that was not suspended according to the terms of the installment plan agreed to in the Settlement.

On March 22, 2022, Staff filed with the Commission a Motion to Impose Suspended Penalties. In its Motion, Staff alleges that Westside Waste continues to operate as a solid waste collection company without the required certificate. Staff recommends the Commission impose the remaining \$105,500 suspended portion of the penalty for failing to comply with all of the conditions in Order 03.

Any party that opposes a written motion may file a written response within five business days after the motion is served.¹ The Commission has reason to believe that the Company may have been unaware of this deadline because counsel for the Company was not served with the Motion. Accordingly, the Company may file a written response to Staff's Motion by Monday, April 11, 2022. Westside Waste may include with its response a request for a hearing to contest Staff's allegations, provided the Company also includes a written statement of the reasons it believes a hearing is necessary. The Commission will conduct a hearing only if the Company identifies genuine issues of material fact that need to be resolved in an evidentiary hearing. If Westside Waste fails to file a response, the Commission will rely on Staff's Motion to make its decision.

THE COMMISSION GIVES NOTICE That Westside Waste, LLC, must file any written response to Staff's Motion or request for hearing and supporting explanation by 5 p.m., Monday, April 11, 2022.

/s/ Rayne Pearson
RAYNE PEARSON
Director, Administrative Law Division

¹ WAC 480-07-375(4).