

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TG-141168

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

2014 JUN 20 AM 8:12

[] 1. Payment of penalty. I admit that the violations occurred. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

[] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

[x] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/12/14 [month/day/year], at BELLINGHAM, WA [city, state]

LUOTKE-PACIFIC TRUCKING, INC
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

RCW 9A.72.020:

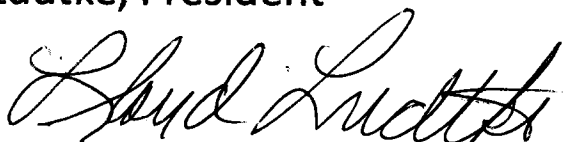
“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

Washington Utilities and Transportation Commission

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The following will be my explanation for the late filing of our annual report and the subsequent reasons why I feel very strongly that the penalty is extreme. In early 2014 our longtime in house accountant became ill and tried very hard to hide the illness by giving us the impression that all was well with reports etc. It wasn't until we had to let her go that we discovered that she had missed all sorts of deadlines. We discovered the late filing of your report on May 1 and immediately gathered the information needed to support the fee associated with the revenue. We made the deadline for the payment and at the same time asked for an extension of the annual business report as we just did not have all the information needed to prepare an accurate accounting. As we trusted our employee to keep us in compliance as she has done for many years we just didn't make the deadline. We have since resolved that issue and submitted the report. We are now asking for mitigation on the \$1000 fine as we work very hard here for every dollar and it just seems that it is quite excessive for something that we just were blindsided by and had no control over the circumstances that prevented us from meeting the obligation. I respectfully submit this letter asking for a reduction or complete dismissal of the penalty imposed on us.

Lloyd A Ludtke, President



6/17/14

SERVICE DATE

JUN 09 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: TG-141168

PENALTY AMOUNT: \$1,000

Ludtke – Pacific Trucking, Inc.
4059 Bakerview Valley Rd.
Bellingham, WA 98226

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-70-071, which requires solid waste companies to file their annual reports and pay regulatory fees each year by May 1. You did not file an annual report.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-70-071 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all water companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2014. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. WAC 480-70-071 states that the Commission may grant an extension of time allowing a company to file its annual report after the May 1 due date if the Commission received a request for extension before May 1. You filed an extension request on May 1. This request was denied per Docket TG-140772 Order 01.

As of May 15, Ludtke – Pacific Trucking, Inc. has not filed its 2013 annual report. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if

material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

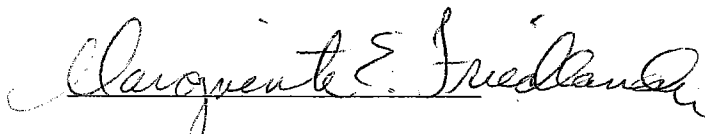
You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-70-071 to cancel your certificate to operate as a solid waste company in Washington.

DATED at Olympia, Washington, and effective June 9, 2014.



MARGUERITE E. FRIEDLANDER
Administrative Law Judge