



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

April 17, 2014

**NOTICE OF OPPORTUNITY TO SUBMIT
SUPPORT FOR REQUEST FOR HEARING
(By Thursday, April 24, 2014)**

RE: McAuliffe Auto Sales, Inc. d/b/a Maltby Container & Recycling Request for
Hearing of Penalty Assessment, Docket TG-140512

TO ALL PARTIES:

On April 1, 2014, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against McAuliffe Auto Sales, Inc. d/b/a Maltby Container & Recycling (Maltby or Company) in the amount of \$27,100. The Commission assessed the penalty for alleged violations of RCW 81.77.040, Certificate of convenience and necessity required, and Commission Order 02 issued pursuant to RCW 81.04.510 in Docket TG-120308, which ordered Maltby to cease and desist from advertising and providing all forms of solid waste collection services that require a certificate from the Commission.

On April 16, 2014, the Commission received a letter and request for hearing from Allan B. Bakalian, an attorney representing Maltby. Mr. Bakalian filed the request for hearing using the form provided by the Commission, and he checked the box on that form indicating that the Company believes that the alleged violations did not occur. As the form provides, however, Maltby must support any request for a hearing with a written statement of the reasons the Company believes the alleged violations did not occur. The Commission will exercise its discretion to conduct a hearing only if material issues of fact or law exist that require development or resolution in a hearing. Maltby provided no written statement or other support for its request for a hearing on the assessed penalty. The Commission generally denies unsupported requests for a hearing, but in light of the nature of the violations and the size of the penalty, the Commission will provide Maltby with another opportunity to support its request.

Accordingly, Maltby may file a written statement of the reasons for its request for a hearing by April 24, 2014. That statement must identify the material issues of fact and law that Maltby seeks to have the Commission resolve. Failure to comply with these requirements will result in denial of the Company's request for a hearing.

THE COMMISSION GIVES NOTICE That Maltby Container & Recycling may file a written statement in support of the Company's request for a hearing by 5:00 p.m., Thursday, April 24, 2014.

GREGORY J. KOPTA
Director, Administrative Law Division