



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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June 25, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. West Waste & Recycling, Inc.*

Commission Staff's Response to Request for Hearing TG-150974

Dear Mr. King:

On May 26, 2015, the Utilities and Transportation Commission issued a \$300 Penalty Assessment in Docket TG-150974 against West Waste & Recycling, Inc. for 3 violations of Washington Administrative Code (WAC 480-70-071), which requires solid waste companies to furnish annual reports to the commission no later than May 1 each year.

On June 10, 2015 West Waste & Recycling, Inc. wrote the commission requesting a hearing disputing the violation occurred. The company response states, "Our annual report was mailed 4/30/15. It should have been received by WUTC on 5/1/15, or 5/2/15 at the latest. We should not be penalized for your mail room snafu. We finally submitted the annual report on time and are still being penalized". The company provided a copy of a receipt paying for postage to the 98504 zip code dated 4/30/15 with an expected delivery date of Saturday, May 2nd.

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 27, 2015, Annual Report packets were mailed to all regulated solid waste companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2015, to avoid enforcement action.

On May 6, 2015, West Waste & Recycling, Inc. filed a complete 2014 annual report and paid the required regulatory fees. The late payment penalty of \$50.45 remains outstanding. The company previously missed the deadline for filing its annual report and paying regulatory fees for the 2005, 2006, 2012 and 2013 reporting years. The penalty for the 2005 reporting year was

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rescinded due to company confusion with regard to postmark date and due date for the annual report.

West Waste & Recycling, Inc. bears the ultimate responsibility to ensure that the commission receives the company's annual report by the May 1 due date. Staff does not support any mitigation of the penalty due to prior violations of WAC 480-70-071 and the 2005 mitigation which informed the company the filing must be received by the commission on or before the May 1 deadline.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,



Sondra Walsh, Director
Administrative Services