



**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](http://www.utc.wa.gov)

January 20, 2017

**NOTICE DENYING REQUEST FOR HEARING**

**AND**

**NOTICE OF OPPORTUNITY TO FILE WRITTEN RESPONSE**  
**(By Friday, January 27, 2017, at 5:00 p.m.)**

RE: *In the Matter of a Penalty Assessment Against Empire Disposal, Inc. in  
the Amount of \$5,300*  
Docket TG-161282

TO ALL PARTIES:

On December 23, 2016, the Washington Utilities and Transportation Commission (Commission) assessed a \$5,300 penalty (Penalty Assessment) against Empire Disposal, Inc. (Empire Disposal or Company) for 53 violations of WAC 480-70-201, which adopts by reference 49 C.F.R. Part 383 related to commercial driver license standards and Part 391 related to driver qualifications.

On January 17, 2017, Empire Disposal filed a response to the Penalty Assessment admitting the violations and requesting a hearing. The Company did not provide any written explanation or documentation to support its request.

The Commission's Penalty Assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Because the Company admitted the violations and presented no new information, no issues of law or fact are in dispute. Accordingly, the Company's request for a hearing is denied.

We will, however, construe the Company's submission as a request for mitigation and allow the Company to provide a written response to explain how the violations occurred and why it believes the penalty should be reduced. Empire Disposal must file its response and any supporting documentation no later than Friday, January 27, 2017, by 5:00 p.m.

**THE COMMISSION GIVES NOTICE That Empire Disposal, Inc. may file a written response to the Penalty Assessment by 5:00 p.m. on Friday, January 27, 2017.**

STEVEN V. KING  
Executive Director and Secretary