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February 5, 2019

**VIA E-MAIL: [rpearson@utc.wa.gov](mailto:rpearson@utc.wa.gov); [records@utc.wa.gov](mailto:records@utc.wa.gov) & U.S. Mail**

Washington Utilities and Transportation Commission  
Attn: Rayne Pearson, Director, Administrative Law Division  
PO Box 47250  
Olympia, WA 98504-7250

Received  
Records Management  
02/05/19 14:57  
State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

Re: Penalty Assessment: DG-180992  
Aero Construction

Dear Mr. Pearson:

This firm serves as legal counsel to Aero Construction Corporation, a division of Pacific Commercial Equipment Inc. ("Aero"). Aero has requested our assistance with respect to the above-referenced penalty assessment. Please consider this letter as our Notice of Appearance on Aero's behalf.


Aero's President, John Craig, has completed your attached form. Aero is requesting a hearing to contest the alleged Second Violation, of July 26, 2017, because the locate was mismarked by five feet. Had the locate been marked accurately, there would have been no damage and RCW 19.122.055 would not have applied.

As to the alleged Third Violation of August 10, 2018, Aero's dig ticket did cover the area where its employee was working.

If there is anything more we can provide to you in support of this hearing request, please don't hesitate to contact our office.

Sincerely,

ANDERSON HUNTER LAW FIRM, P.S.

  
Jeffrey C. Wishko  
[jwishko@andersonhunterlaw.com](mailto:jwishko@andersonhunterlaw.com)

Att.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT DG-180992, Investigation # 7877

**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:

1. **Payment of penalty.** I admit that the violations occurred and enclose \$20,000 in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violations did not occur for the reasons I describe below:

*See Notice of Appearance letter of our legal counsel*

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.

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

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

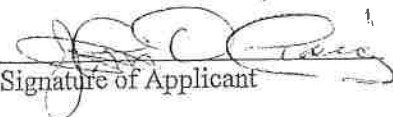
OR  b) I ask for a Commission decision based solely on the information I provide above.

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: 5 Feb 19 [Month/Day/Year], at Spokane, WA [City, State]

Pacific Comm-Equipt, Inc

Name of Respondent (company) – please print

  
Signature of Applicant