



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
621 Woodland Square Loop SE, P.O. Box 47250 • Lacey, Washington 98503
P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

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COMMISSION

June 24, 2021

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. DDB LLC.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket DG-210209

Dear Mr. Johnson:

On May 21, 2021, the Washington Utilities and Transportation Commission (Commission) issued a penalty against DDB, LLC (DDB or Company) for \$5,000 for a violation of RCW 19.122.055, as follows:

- \$5,000 penalty for the violation of RCW 19.122.055 that occurred on September 25, 2020.

This violation notice was for a damage incident to underground natural gas facilities on September 25, 2020. This damage occurred because DDB failed to provide the required notice to facility operators through a one-number locator service before excavating and subsequently damaged an underground natural gas facility.

In its letter to the Commission requesting mitigation, DDB explained a supervisor had called the locate request incorrectly because it was his personal home and had requested the locate under his name. It is unclear to Staff based on review of emails and the mitigation request from DDB who made the original call requesting the locate. DDB provided several different responses to Staff assigning responsibility for the "mistake" to an employee, project manager, or supervisor. After reviewing the ticket requests, Staff determined the ticket called in on June 15, 2020, expired on July 31, 2020. The second locate request for the site in question was called in on September 26, 2020, the day after the damage incident. DDB admitted the violation occurred but explained the wrong person had made the call. Based on the ticket request dates, Staff concludes that despite who made the locate request, the ticket was not valid at the time the damage occurred.

Staff is not convinced the Company has demonstrated sufficient commitment to dig safety, based on a history of violations (three penalty assessments between 2018 and this Notice) and a failure to take advantage of the opportunity to complete NUCA Dig Safe training as a mitigative action offered by the Commission under Docket DG-190888.

It is a priority of the Commission to protect the public by increasing knowledge of, and compliance with RCW 19.122. Therefore, Staff recommends that the Commission maintain the penalty amount as issued in the Notice. However, Staff would not object if the Commission extended an offer to suspend \$2,500 of the penalty amount for a period of 12 months on the following conditions:

- DDB Supervisors and field crew complete NUCA Dig Safe Training within 90 days of the Commission Penalty Notice; and
- DDB incurs no additional dig law violations within 12 months of the date of the Commission order.
- The Commission will ultimately waive the \$2,500 suspended penalty if DDB complies with the conditions outlined above. If the Commission discovers any subsequent violations of RCW 19.122 within the 12 months, the \$2,500 suspended penalty amount will become immediately due and payable, in addition to any penalties that may be assessed for the subsequent violation(s).

If you have any questions, please contact Joice Hagen, Compliance Investigator, Pipeline Safety and Damage Prevention, at (360) 664-1321, or by email at Joice.Hagen@utc.wa.gov.

Sincerely,

Mayo, Sean
(UTC)

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Sean C. Mayo, Director
Pipeline Safety