

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-210294, Investigation #8335

RECEIVED

JUL 06 2021

WASH. UT. & TP. COMM

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 violation occurred and enclose \$1,000 in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (if you do not include reasons supporting your contest here, your request will be denied):

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 provided above.

3. **Request mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (if you do not include reasons supporting your application here, your request will be denied): Please see attached June 30, 2021 letter from WUTC from Paul McMurray Assistant General Counsel Snohomish County Public Utility District No. 1 and Declarations of Troy Haugstad (District Crew Foreman) and Paul McMurray

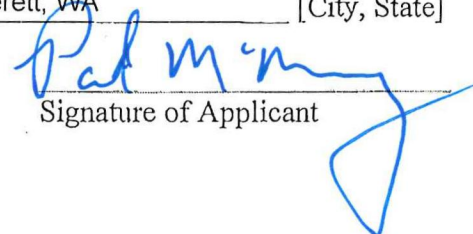
a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR b) I ask for a Commission decision based solely on the information I provided 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: June 30, 2021 [Month/Day/Year], at Everett, WA [City, State]

Paul McMurray/ Snohomish County PUD No.1
Name of Respondent (Company) – please print


Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”



Energizing Life in Our Communities

OFFICE OF THE GENERAL COUNSEL

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FAX 425-783-8305 • snopud.com
Mailing Address: P.O. Box 1107 • Everett, WA • 98206-1107

June 30, 2021

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington
98504-7250

Re: Penalty Assessment DG-210294
Penalty Amount \$1,000
Investigation #8335

Dear Commission Members:

I represent Public Utility District No. 1 of Snohomish County ("District") regarding the above referenced matter. The District respectfully requests that the penalty amount be significantly reduced. In support of these requests, the District submits for your consideration the following and the declarations of Troy Haugstad (Crew Foreman) and myself.

As background and based upon judicial notice, please note that the District is a public utility district created and existing under the authority of RCW Title 54. The District is the second largest publicly owned utility in Washington State. The District provides electrical power to over 360,000 customers and water to over 2,200 customers. The District's service territory covers over 2,200 square miles, including all of Snohomish County and Camano Island.

There are a couple of statements on the first page June 16, 2021 NOTICE OF PENALTIES INCURRED FOR VIOLATIONS OF LAWS AND RULES ("Notice of Penalties"), that warrant review, correction and/or clarification. First, District employees were not trying to dig for sewer line and were not replacing a power vault. Rather, the purpose of the District work was to "replace an old and obsolete electric service pedestal with a new small electric service pedestal (approximately 13" wide x 24" long x 15" high) at 1111 Emeralds Hills Drive, Edmonds, Washington." Section 3, p. 1, Troy Haugstad Declaration. A copy of the Request is attached as Exhibit "A" to Mr. Haugstad's declaration.

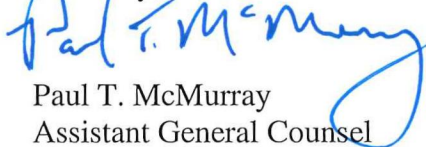
Second, the PSE pipeline involved in the incident was a 5/8" gas service and not a 2" gas pipeline. This is clearly stated in a document titled "PUGET SOUND ENERGY REPORT OF DAMAGE TO GAS FACILITIES" ("PSE Report"). The PSE Report also notes that the PSE gas pipeline was not properly installed as it was located at a depth of just 8" below the surface. A true and correct copy of the PSE Report is attached as Exhibit "C" to my declaration.

Third, while the Notice of Penalty states that the District failed to provide notice to a one-number locator service prior to the excavation, there is information in the investigation file that suggests otherwise. There is some inconsistency in PSE Report as it reports under the section titled DESCRIBE CIRCUMSTANCES CAUSING DAMAGE that the District “did not have an active locate ticket” but then states under the ONE CALL section that the District did call for locates. Exhibit C, McMurray Declaration. Additionally, the document titled Washington One Call, Ticket No. 20430238 states the original call for locates from the District was made at 8:50 a.m., October 6, 2020. Andy Tran is listed as the District contact (both a direct phone number and email address are provided in the document). A true and correct copy of the document is attached as Exhibit “B” to the McMurray Declaration.

Fourth, the Notice of Penalty states that “Staff attempted to contact Snohomish staff seeking further information or documentation regarding this incident.” It is unclear when and how such contact was attempted. Regardless and in an attempt to assist the WUTC investigators and avoid future misunderstandings, District risk management personnel will reach out to the WUTC investigator in this matter and provide contact information. When contacted, these personnel will help facilitate meaningful dialogue, interviews and the exchange on information to assist the WUTC investigators in carrying out their duties.

Based on the above information, the District respectfully requests the Washington State Utilities and Transportation Commission reduce the amount of the penalty in this matter.

Sincerely,



Paul T. McMurray
Assistant General Counsel

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT DG-210294

AGAINST PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY

DECLARATION OF TROY HAUGSTAD

I, Troy Haugstad, do hereby state and declare as follows:

1. I am over 18 years of age and competent to testify to matters contained herein, of which I have personal knowledge.

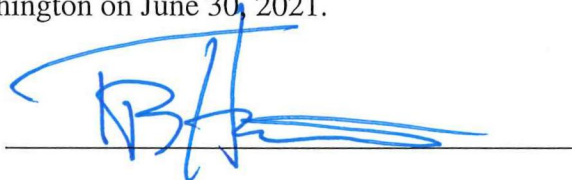
2. I have been employed by the Public Utility District No. 1 of Snohomish County ("District") since May 21, 2007 as a Journeyman Lineman and now a Crew Foreman.

3. On October 7, 2020, my supervisor (Keith Ellison, Construction Superintendent) provided me with a District Construction Operations and Engineering Request ("Request"), dated October 6, 2020, to locate and replace an old electric service pedestal with a new small electric service pedestal (approximately 13" wide x 24" long x 15" high) at 1111 Emeralds Hills Drive, Edmonds, Washington. A true and correct copy of the Request is attached hereto as Exhibit "A." I was instructed by Mr. Ellison to act as the Foreman (a temporary upgrade at the time) for the job, assemble a crew and carry out the Request.

4. On October 7, 2020, I proceeded with a District crew (Jim Martin (Lineman), Matta Kimball (Lineman), Tracey Samuels (Equipment Operator), Kyle Jonas (Flagger) and Slate York (Flagger)) to 1111 Emeralds Hills Drive, Edmonds, Washington for the purpose of carrying out the Request.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

EXECUTED at Everett, Washington on June 30, 2021.



Troy Haugstad

CONSTRUCTION OPERATIONS AND ENGINEERING REQUEST

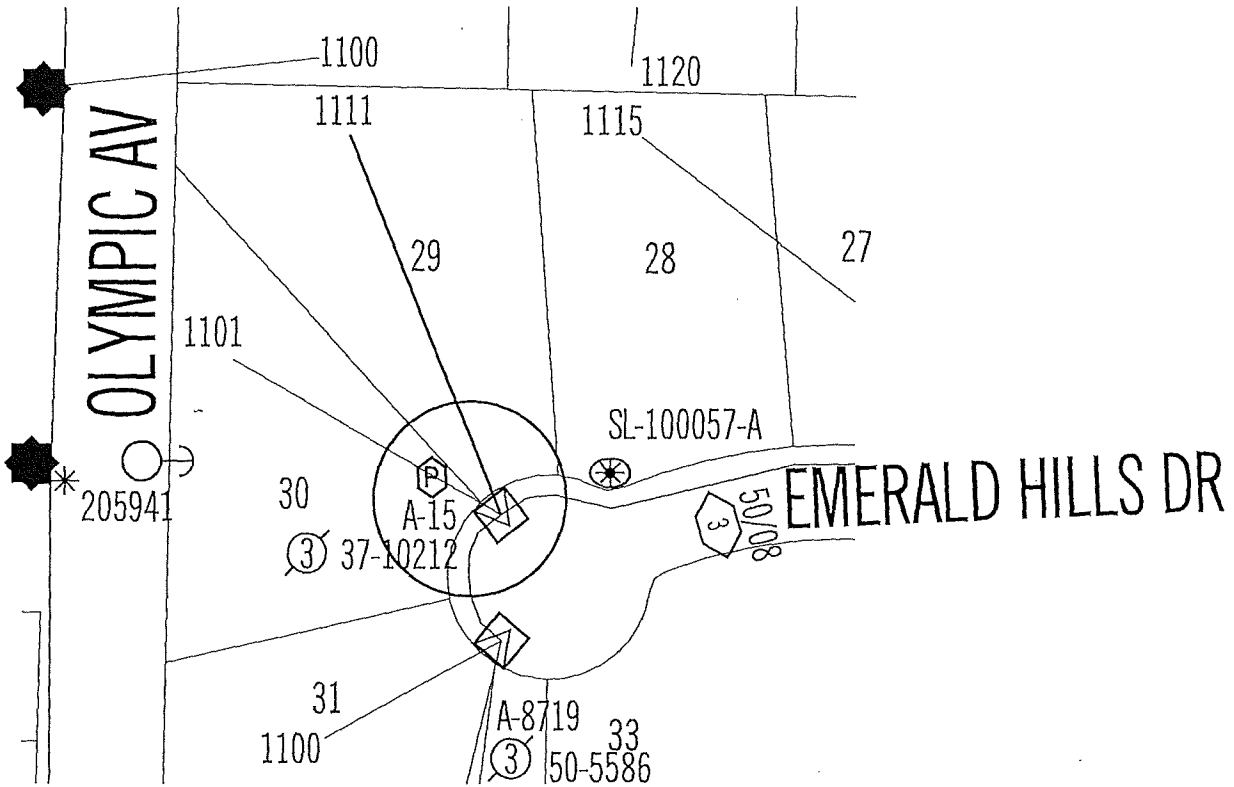
TO KEITH ELLISON	FROM ANDY TRAN/425-359-1123	DATE 10/6/2020
ADDRESS/LOCATION/POLE NUMBER 1111 EMERALD HILLS DR EDMONDS, WA 98020 A-15		
MAP NO. 454 H5	ORDER NO. 900705	OPERATION NO.

ACTION REQUESTED

LOCATE & REPLACE OBSOLETE PED WITH SML PED MID776015 W/ (3) 4 TERMINAL

POSITIONS AND RAISE TO GRADE LEVEL

UG DRAWING ATTACHED. LOCATE TICKET# 20430238



For de-energizing customer service for Customer work	CUSTOMER When completed, call the PUD at 425-783-1000 or (1-877-783-1000) ask for Energy Control Dispatch	CREW HOURS 2.5
Customer Signature	Date	

ACTION TAKEN OR OTHER ACTION REQUIRED

Replaced Pedestal & Secondary Connections

APPROVED BY <i>[Signature]</i>	COMPLETED BY <i>T. HUGSVO</i>	DATE 10-7-2020
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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT DG-210294

AGAINST PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY

DECLARATION OF PAUL MCMURRAY

I, Paul McMurray, do hereby state and declare as follows:

1. I am over 18 years of age and competent to testify to matters contained herein, of which I have personal knowledge.

2. I have been employed by the Public Utility District No. 1 of Snohomish County ("District") since June 26, 2012, as an Assistant Attorney General, and represent the District in this matter.

3. On June 21, 2021, I submitted a public record request to the Washington Public Utilities and Transportation Commission ("WUTC") for the "[i]nvestigation file for Investigations #8335, DG-210294. The investigation file is regarding the June 16, 2021 Notice of Penalty to Public Utility District No. 1 of Snohomish County in the amount of \$1,000."

4. On June 24, 2021, I received an email response to my public record request from Lisa Wyse, Records and Tariffs Manager, Records Management, WUTC. The email response directed me to internet link to retrieve documents responsive to my record request. A true and correct copy of said email response is attached hereto as Exhibit "A."


5. Also disclosed in response to my record request is a record titled Washington One Call, Ticket No. 20430238 ("District Ticket"). The District Ticket stated an "Original Call Date" of 8:50 a.m., October 6, 2020. The Caller was identified as SNOHOMISH COUNTY PUD. Andy Tran was listed as the contact person. A phone number and email address are provided for Mr. Tran. The Dig Site Location was stated as 1111 Emerald Hills Drive, Edmonds, Washington. A

true and correct copy of the Emergency Ticket is attached hereto as Exhibit "B."

6. Another public record produced in response to my record request is titled PUGET SOUND ENERGY REPORT OF DAMAGE TO GAS FACILITIES, Claim Number 30000982052 ("PSE Report"). A true and correct copy of the PSE Report is attached hereto as Exhibit "C."

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

EXECUTED at Everett, Washington on June 30, 2021.



Paul McMurray

McMurray, Paul

From: WUTC Public Records <washingtonutc@govqa.us>
Sent: Thursday, June 24, 2021 1:10 PM
To: McMurray, Paul
Subject: [Records Center] Public Records Request :: R000416-062121

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER.

Do not click on links or open attachments if the sender is unknown or the email is suspect.



RE: PUBLIC RECORDS REQUEST of June 21, 2021, Reference # R000416-062121

Paul McMurray:

On June 21, 2021, you submitted a request for public records to the commission, in which you requested:

"Investigation file for Investigation #8335, DG-210294. The investigation file is in regard to June 16, 2021 Notice of Penalty to Public Utility District No. 1 of Snohomish County in the amount of \$1,000."

The WA Utilities and Transportation Commission has reviewed its files and has located responsive records to your request. Please log in to the Public Records Center at the following link to retrieve the appropriate responsive documents:

[Public Records Request - R000416-062121](#)

If you have any questions or need additional information, please reply or contact my office at +1 (360) 664-1259.

Thank you,

Lisa Wyse
Records and Tariffs Manager
Records Management

Exhibit A , Page 1

RETURN

Email Ticket

Washington One Call

Ticket No: 20430238 2 FULL BUSINESS DAYS
Original Call Date: 10/06/20 08:50 am
Work to Begin Date: 10/09/20 12:00 am

Caller Information

Company Name: SNOHOMISH COUNTY PUD **Type of Excavator:**
Best Time: 8:10AM
Contact Name: ANDY TRAN **Phone:** (425)783-1000
Alt. Contact: ANDY TRAN **Phone:** (425)359-1123
Fax Phone:
Email Address: AXTRAN@SNOPUD.COM

Dig Site Information

Type of Work: MAINTENANCE
Directional Drilling:
Type(s) of Excavation Equipment:
Work Being Done For: SNOHOMISH COUNTY PUD

Dig Site Location

State: WA **County:** SNOHOMISH
Place: EDMONDS
Address: 1111
Street: EMERALD HILLS DR
Intersecting Street: OLYMPIC AVE
Location of Work:

15 FT X 20 FT WHITE SPRAY AROUND UNDERGROUND TRANSFORMER A-15,
 BETWEEN HOUSE 1111 AND 1101.

Remarks:

AREA MARKED IN WHITE

Caller Twp: 27N **Rng:** 3E **Sect-Qtr:** 24-SE
Map Twp: 27N **Rng:** 3E **Sect-Qtr:** 24-SE
Map Coord NW Lat: 47.8113803 **Lon:** -122.3610904 **SE Lat:** 47.8113262 **Lon:** -122.3610274

MEMBERS NOTIFIED:

District	Company Name	Phone Number	Status	Exhibit <u>B</u> , Page <u>1</u>
CC7721	COMCAST CABLE	(800)778-9140	Not yet responded	
EDMOND01	CITY OF EDMONDS	(425)771-0235	Does not report	
GTE01	ZIPLY FIBER	(800)778-9140	Clear, No Utility Owned Facility in Excavation Area	
PUGG09	PUGET SOUND ENERGY GAS	(888)728-9343	Marked, Complete	

SNOPUD05 SNOHOMISH PUD #1 ELEC (800)778-9140 Clear, No Utility Owned Facility in Excavation Area



**REPORT OF DAMAGE TO
GAS FACILITIES
PREPARED FOR LEGAL COUNSEL**

CLAIM NUMBER 3000981994	
ORDER NO. 3000982052	LEAK REPORT NO. N0129921

TO BE COMPLETED BY FIELD PERSONEL

GENERAL INFORMATION	INCIDENT: DATE & TIME 10/07/2020 13:17:00		
	ADDRESS OR LOCATION OF DAMAGE 1111 EMERALD HILLS DR		
	HOUSE NO. OR LOT NO. 1111	STREET ADDRESS EMERALD HILLS DR	CITY Edmonds
	NAME OF PERSON REPORTING DAMAGE Troy Haugstad		NAME OF PARTY CONTACTED IN THE FIELD N/A
	NAME OF CONTRACTOR CAUSING DAMAGE Sno County PUD		STATE CONTRACTOR LIC. # N/A
	NAME OF PERSON CAUSING DAMAGE Troy Haugstad		
	BILLING ADDRESS FOR PARTY CAUSING DAMAGE 21014 63rd Ave W		CITY Lynwood
			ZIP 98036
			PHONE 425-359-1123
	TYPE OF CONSTRUCTION COUNTY		TYPE OF EQUIPMENT CAUSING DAMAGE HAND TOOLS
WITNESS TO INCIDENT N/A		ADDRESS OF WITNESS N/A	PHONE 425-783-1000
DESCRIPTION	WHAT WAS DAMAGED? SERVICE(STUB OR EXT)		DEPTH OF LINE AT TIME OF DAMAGE <u>00008</u> IN.
	SIZE OF HOLE <u>N/A</u> x <u>N/A</u> IN. SIZE OF PIPE <u>5/8 - INCH</u> IN.		TYPE OF PIPE BROKEN: POLYETHYLENE SEVERED? <input type="checkbox"/> YES <input type="checkbox"/> NO
	LOCATION INFORMATION 57'N C/L of EMERALD HILLS DR & 154'W C/L of PRIVATE DR		SIZE OF DAMAGE <u>N/A</u> x <u>N/A</u> IN. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	TIME DURATION OF LEAKAGE <u>65</u> MINUTES <input type="checkbox"/> HIGH PRESSURE <input type="checkbox"/> LOW PRESSURE <input checked="" type="checkbox"/> INTERMEDIATE PRESSURE		
	DESCRIBE CIRCUMSTANCES CAUSING DAMAGE: Contractor excavating with shovels to replace a power vault struck a shallow 5/8" PE svc. The contractor did not have an active locate ticket		
LOCATION	BASED ON YOUR OBSERVATION WAS FACILITY PROPERLY INSTALLED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
	EXPLAIN: Svc was found at 8" depth at property line		
	DID CONTRACTOR CALL FOR LOCATES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHEN 10/06/2020		
	LOCATE # 20430238	WAS FACILITY PLATTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	YEAR OF MICROFICHE 2020
CALL	WAS FACILITY MARKED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
	WERE MARKS CORRECT? (IF NO, HOW FAR OFF?) <input type="checkbox"/> YES <input type="checkbox"/> NO 00000 IN.		
	WERE MARKS MAINTAINED <input type="checkbox"/> YES <input type="checkbox"/> NO		
	WAS FACILITY EXPOSED BY HAND? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
		LOCATION OF MARKS	TYPE OF MARK
		<input type="checkbox"/> PAVEMENT <input type="checkbox"/> GRASS <input checked="" type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PAINT <input type="checkbox"/> OFFSET
		<input type="checkbox"/> DIRT <input type="checkbox"/> CURB	<input type="checkbox"/> STAKE <input checked="" type="checkbox"/> OTHER
RIGHT-OF-WAY WHERE EVENT OCCURED		PUBLIC--OTHER	
TYPE OF EXCAVATION EQUIPMENT		HAND TOOLS	
TYPE OF WORK PERFORMED		ELECTRIC	
TYPE OF EXCAVATOR		COUNTY	
FACILITY AFFECTED	SERVICE	INITIAL DAMAGE CAUSE: <u>EBEF</u>	
COMPLETED BY RRICKE	TITLE Fitter I	DATE OF INCIDENT 10/07/2020	
COMMENTS: N/A			

RESPONDING PERSONNEL
(To be completed by Fitter on site.)

NAME	POSITION	RESPONSE TIMES		
		ENROUTE	ON SITE	LEAVE SITE
William John Carpentier	Fitter I	10/7/20 1:34 PM	10/7/20 2:15 PM	10/7/20 3:56 PM
				TOTAL NUMBER OF MEAL TICKETS: ____

BACKHOE TIME

COMPANY ()
HOURS WORKED: 00:00:00

EXCAVATOR DOWNTIME VERIFICATION

- DID EXCAVATOR INCUR DOWNTIME? YES NO N/A
- DID THE CONTRACTOR HAVE TO PULL OFF THE JOB DUE TO THE GAS LEAK? YES NO N/A
- IF THE CONTRACTOR WAS UNABLE TO WORK DURING THE DURATION OF THE GASLEAK, ESTIMATED LENGTH OF DOWNTIME? 02:00:00
- DID THE DAMAGE CAUSE AN INTERRUPTION OF SERVICE? YES NO N/A

COMMENTS: Contractor did not wait for valid locate ticket. PSE called in emergency locate ticket to excavate around live power. Contractor ended up pulling off the job after approximately 2hrs of waiting for locates and coming back to complete.