



Date of Service: September 25, 2023

STATE OF WASHINGTON  
**UTILITIES AND TRANSPORTATION COMMISSION**

621 Woodland Square Loop SE • Lacey, Washington 98503

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September 25, 2023

Kathy Hunter, Acting Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Wickman Construction, LLC*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket DG-230687, Case No. 8726

Dear Ms. Hunter:

On September 13, 2023, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Wickman Construction, LLC (Wickman Construction or Company) in the amount of \$1,000 for a violation of RCW 19.122.055(1)(a), as follows:

- **\$1,000 penalty for the violation of RCW 19.122.055.(1)(a) that occurred on April 11, 2023**

This violation was for damage to an underground natural gas facility on April 11, 2023, that occurred because the Company failed to provide notice to facility operators through the one-call utility locator service as required before excavating. Wickman Construction's failure to notify the one-call locator service resulted in damage to a Puget Sound Energy natural gas line.

On September 20, 2023, the Company responded to the Commission's penalty assessment by admitting the violation and requesting mitigation because it has "only two other incidents since 2006 and has a great track record for keeping it's locate tickets updated."

RCW 19.122 is clear in its requirements that the excavator is responsible for notifying 811 before excavating, and authorizes the Commission to assess a penalty up to \$10,000 if an excavator fails to provide the required notice and causes damage to a natural gas or hazardous liquid underground facility. The Company requested mitigation of its \$1,000 penalty amount, noting that it did have a locate ticket, unfortunately it had expired. The Company believes since it has a good track record of calling and maintaining locate tickets it deserves to have a reduced penalty amount. Wickman Construction has not been penalized previously by the Commission, and the last damage incident was in 2019. The penalty amount recommended was \$1,000, which is the typical penalty amount assessed in these circumstances. Wickman Construction was

offered the option to admit the violation occurred, pay \$200 of the penalty amount and have the remaining \$800 suspended for 12 months on the condition it completes Dig Safe training and have no further Dig Law violations within 12 months of the Penalty Assessment. Staff believes that the penalty amount assessed is appropriate and that mitigation should be denied, however Staff recommends an alternative option is to suspend the total \$1,000 penalty amount for 12 months on the condition that the Company complete Dig Safe training and have no further Dig Law violations for 12 months.

If you have any questions, please contact Joice Hagen, Compliance Investigator at (360) 664-1321, or by email at [Joice.Hagen@utc.wa.gov](mailto:Joice.Hagen@utc.wa.gov).

Sincerely,

Scott Rukke  
Pipeline Safety Director