



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop SE • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • 1-800-833-6384 or 711

January 10, 2025

Jeff Killip, 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. J&J Construction and Landscaping LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket DG-240907, Case No. 8971

Dear Mr. Killip:

On December 5, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty against J&J Construction and Landscaping LLC (J&J 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 August 23, 2024**

This violation was for damage to an underground natural gas facility on August 23, 2024, that occurred because the Company failed to provide notice to facility operators through the one-call utility locator service as required before excavating. J&J Construction's failure to notify the one-call locator service resulted in damage to a Puget Sound Energy (PSE) gas line at 8414 Shawnee Ct NW, Gig Harbor, WA. When PSE responded to the leak, it discovered that the damage had occurred three months prior and was caused by J&J Construction when it installed a deck at that address. PSE first responders document that J&J had wrapped the damaged line with electrical tape and reburied it.

On January 8, 2025, the Company responded to the Commission's penalty assessment by admitting the violation and requesting mitigation because it was digging very shallow, and this was its first offense in seven years of doing business.

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 was only digging very shallow and that it has not had a violation in seven years of doing business. J&J Construction has not been penalized previously by the Commission; however, it was issued a Warning Letter on December 19, 2017, for causing damage to a gas line and did not call for a locate request. Staff did not find any record of the Company completing Dig Safe Training following the issuance of the Warning Letter. The penalty amount recommended was \$1,000, which is the typical penalty amount assessed in these circumstances. Additionally, it is of significant safety concern that the Company reburied the damaged line without notifying PSE. For these reasons, Staff believes that the penalty amount assessed is appropriate and that the Commission should deny Company's request for mitigation of the penalty based on the reasons it provided.

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

Sincerely,

Scott Rukke
Director, Pipeline Safety