

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: DG-260135

PENALTY AMOUNT: \$2,500

Investigation # 9280

EMAIL SERVICE

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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Provident Electric Incorporated (Provident Electric or Company) violated Revised Code of Washington (RCW) 19.122.040(2) by failing to use reasonable care to avoid damaging underground facilities; (a) determine the precise location of underground facilities which have been marked.

On January 28, 2026, Avista Corporation (Avista) submitted to the Commission a 30-day report of an incident involving Provident Electric damaging a natural gas facility that occurred on January 2, 2026. Staff conducted an investigation that included reviewing the incident and damage reports, emails and photos, the one Call Center database, and communications with the Company. The investigation identified a natural gas damage event that involved Provident Electric.

RCW 19.122.055(1)(a) states, in part, that any excavators who violate any provision of this chapter and causes damage to an underground gas facility are subject to a civil penalty of not more than \$25,000 for each violation.

Commission staff's (Staff) investigation identified a natural gas event that involved Provident Electric damaging a natural gas facility while excavating without a valid locate ticket.

The Commission reviewed findings and recommendations made by Staff and hereby notifies you that it is assessing a \$2,500 penalty (Penalty Assessment) against you on the following grounds:

1. Alleged Violation:

On January 2, 2026, Provident Electric was excavating at 407 S. Treeline St., Airway Heights, Washington. While excavating, Provident Electric damaged an Avista natural gas line. The 30-day report submitted by Avista indicated that Provident Electric failed to

determine the precise location of underground facilities that had been marked before beginning excavation.

2. **Analysis:**

The alleged violation concerns RCW 19.122.040(2)(a), which states, in part, that an excavator shall use reasonable care to avoid damaging underground facilities. An excavator must: (a) Determine the precise location of underground facilities which have been marked. Avista documented in the 30-day report that Provident Electric drove a ground rod into a ¾" gas service stub. Avista provided a photo of the grounding rod punctured through the gas line. The report explains that the locate marks were accurate and that the company failed to verify the marks by potholing before pounding in the grounding rod. The ELM report also confirmed that Provident Electric caused damage to the gas facility by hammering in a grounding rod, and that the locate marks were accurate.

On March 2, 2026, Staff emailed Provident Electric requesting further information regarding the damage incident. On March 3, 2026, Provident Electric submitted a statement explaining that locates were called in and verified and that the installer stayed away from the locate markings. The Company noted that on the day the grounding rod was pounded in there was snow on the ground. In follow up email communication with Staff, Provident Electric explained that there is never equipment used to expose utilities for pounding in a ground rod. The company explained that it goes off the locate marks, and that exposing the utilities could be up to 8' deep and would not be possible.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**

This incident could have been significantly more harmful to Company workers, utility technicians, nearby homeowners, and the public, and it could have resulted in severe injury and/or loss of property.

2. **Whether the violation is intentional.**

This violation appears to be due to Provident Electric's lack of knowledge regarding the requirements and responsibilities of Washington State's Dig Law. Over the past twelve months, Provident Electric has submitted 2,433 requests for locates to the One Call Center. This demonstrates the Companies knowledge of the requirements and its responsibility regarding locates and locate requests. Based on the Company response during this investigation, it appears Provident Electric does not fully understand the requirements related to excavation activities under the Dig Law.

3. **Whether the company self-reported the violation.**

Provident Electric did not self-report the violation. The Commission became aware of the violation when the Commission received a 30-day Incident Report as required by WAC 480-93-200(4) from Avista.

4. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its willingness to comply with Washington State's Dig Law.

5. **The Company's previous violations and penalties.**

- **Warning Letter**

- On August 10, 2018, and February 2, 2023, the Commission mailed Alleged Violation of Washington Dig Law letters to Provident Electric. The letters included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for submitting utility locate requests before excavating, and the possibility of penalties for each violation. The Commission mailed the letters after receiving reports of damage caused by Provident Electric that occurred because the Company failed to submit requests to locate underground utilities before excavating.

- **Penalty Assessments**

- On August 4, 2025, the Commission issued Provident Electric a Penalty Assessment of \$1,000 for one violation of RCW 19.122.055(1)(a) – in docket DG-250547.

The Commission has considered these factors and determined that it should penalize Provident Electric as follows:

- \$2,500 penalty for one violation of RCW 19.122.040(2)(a)

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

You must act within 15 days after receiving this Penalty Assessment to do one of the following:

- Pay the \$2,500 penalty amount due; or
- Contest the occurrence of the violation; or
- Admit the violation but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to records@utc.wa.gov. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).¹

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective March 31, 2026.

/s/Connor Thompson
CONNOR THOMPSON
Director, Administrative Law Division

¹ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-260135 Investigation # 9280

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, 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:
 - [] Enclose \$2,500 in payment of the penalty.
 - OR [] Attest that I have paid the penalty through the Commission’s payment portal.

- [] 3. **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 provide above.

- [] 4. **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**):
 - [] 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: _____ [Month/Day/Year], at _____ [City, State]

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 or she makes a materially false statement which he or she 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 or her 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.