

Service Date: May 7, 2026

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: DG-260293

PENALTY AMOUNT: \$7,500

Investigation # 9301

EMAIL SERVICE

UBI: 179-010-055

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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Puget Sound Energy (PSE or Company) violated Revised Code of Washington (RCW) 19.122.030(4)(a) by failing to provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

On March 30, 2026, PSE submitted to the commission a 30-day report of an incident involving damage to a natural gas facility that occurred on February 23, 2026. Staff conducted an investigation that included reviewing the incident and damage reports, emails and photographs, the one Call Center database, and communications with the Company. The investigation identified a natural gas damage event that involved an excavator hitting a gas line that PSE failed to locate.

RCW 19.122.055(2) states, in part, that any hazardous liquid or gas pipeline operator who (a): (i) Fails to accurately locate the underground facility as required under RCW 19.122.030 (3) and (4); or (ii) fails to mark its underground facilities as required under RCW 19.122.030 (1), and (b) whose underground facility is damaged as a result of the failure in (a) of this subsection is subject to a civil penalty of not more than \$25,000 for each violation.

Commission staff (Staff) conducted an investigation that included reviewing damage reports, investigation reports, the One Call Center database, and communications with the Company. The documents reviewed identified a natural gas event that involved PSE 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 \$7,500 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation:**

On February 23, 2026, PSE failed to locate a natural gas line, at 27325 14th Ct. S., Des Moines, Washington.

2. **Analysis:**

The alleged violation concerns RCW 19.122.030(4)(a), which states, in part, that a facility operator must provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

On March 30, 2026, PSE submitted to the commission a 30-day report indicating that a 1-1/8" gas service line and tee were damaged by an excavator during directional boring at 27325 14th Ct. S., Des Moines, Washington. The Report of Damage to Gas Facilities (GFR report) provided by PSE states that while directional drilling, the excavator damaged a 1-1/8" gas service line. The report states that locates for ticket #26062841 had been requested, completed and were correct. The ELM report states the root cause of the damage was due to locator error, and no locate for the gas service. On March 24, 2026, Staff sent an email to PSE requesting information regarding this damage incident. On April 21, 2026, PSE responded and explained that the locator failed to identify and mark a gas service line. PSE further explained that corrective action was taken and ELM conducted comprehensive retraining for the involved supervisor.

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 negligence by PSE and its contracted locator rather than a lack of knowledge regarding Washington State's dig law and the requirement to accurately locate its underground facilities.

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

PSE did report the damage to the Damage Information Reporting Tool (DIRT) as required.

4. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its willingness to provide excavators with reasonably accurate information by marking its facility locations as required by Washington State's Dig Law.

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

- **Warning Letter**

On July 15, 2019, the Commission mailed an Alleged Violation of Washington Dig Law letter to PSE. The letter included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for facility operators to respond to One Call Center locate requests; and the requirement for providing the excavator with reasonably accurate information by marking the location of locatable underground facilities.

- **Penalty Assessments**

	Docket Number	Date of Penalty Assessment	Amount of Penalty	RCW Violation
1.	D-161231	01-18-17	\$2,000	19.122.030(3)(a)
2	D-210500	09-13-21	\$5,000	19.122.030(3)(a)
3.	D-200813	03-24-21	\$5,000	19.122.030(3)(a)
4.	D-210358	06-24-21	\$5,000	19.122.030(3)(a)
5.	D-210732	11-03-21	\$5,000	19.122.030(3)(a)
6.	D-210873	12-08-21	\$10,000	19.122.030(3)(a)
7.	D-220826	01-04-23	\$5,000	19.122.030(3)(a)
8.	D-240568	08-12-24	\$5,000	19.122.030(4)(a)
9.	D-250752	10-17-25	\$5,000	19.122.030(3)(a)
10.	D-250973	02-24-26	\$5,000	19.122.030(3)(a)(i)
11.	DG-260071	02-24-26	\$5,000	19.122.030(3)(a)(i)

The Commission has considered these factors and determined that it should penalize Puget Sound Energy as follows:

- \$7,500 penalty for one violation of RCW 19.122.030(4)(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 \$7,500 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 May 7, 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-260293 Investigation # 9301

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 \$7,500 in payment of the penalty.
 - OR [] Attest that I have paid the penalty through the Commission’s payment portal.

- [] 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 provide 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**):
 - [] 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.