



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

November 28, 2016

NOTICE DENYING REQUEST FOR HEARING

AND

NOTICE OF OPPORTUNITY TO FILE WRITTEN RESPONSE
(By Tuesday, December 6, 2016, by 5:00 p.m.)

RE: *In the Matter of a Penalty Assessment Against Westward Hoe Construction, Inc. in the Amount of \$16,000*
Docket D-161117

TO ALL PARTIES:

On November 10, 2016, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$16,000 (Penalty Assessment) against Westward Hoe Construction, Inc. (Westward Hoe or Company) for four violations of RCW 19.122.030. The Commission suspended a \$10,000 portion of the penalty for a period of one year subject to the conditions that, (1) Westward Hoe's owners and employees attend NUCA Dig Safe Training within six months of the date of the Penalty Assessment, and (2) Westward Hoe incurs no additional violations of RCW 19.122.030.

On November 23, 2016, Westward Hoe filed a response to the Penalty Assessment admitting the violations and requesting a hearing. The Company did not provide any written explanation or documentation to support its request, stating only that it was "requesting a hearing to provide facts about situation."

The Commission's Penalty Assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Because the Company admitted the violations and presented no new information, no issues of law or fact are in dispute. Accordingly, the Company's request for a hearing is denied.

We will, however, construe the Company's submission as a request for mitigation and allow the Company to provide a written response to explain how the violations occurred and why it believes the penalty should be reduced. Westward Hoe must file its response and any supporting documentation no later than Tuesday, December 6, 2016, by 5:00 p.m.

THE COMMISSION GIVES NOTICE That Westward Hoe Construction, Inc. may file a written response to the Penalty Assessment by 5:00 p.m. on Tuesday, December 6, 2016.

STEVEN V. KING
Executive Director and Secretary