



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

September 22, 2020

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Infrasource Services, LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket DG-200433

Dear Mr. Johnson:

On August 19, 2020, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Infrasource Services, LLC (Infrasource or Company) in the amount of \$5,000 for a violation of RCW 19.122.055 that occurred on November 25, 2019.

This violation was for damage to an underground natural gas facility on November 25, 2019, that occurred because the Company failed to provide notice to facility operators through the one-call utility locator service as required before excavating. The excavation resulted in a damaged 5/8-inch Puget Sound Energy natural gas facility.

On September 10, 2020, the Company responded to the Commission's penalty assessment by admitting the violation and requesting that the Commission reduce the penalty amount or hold it in abeyance subject to conditions by the Commission. The Company noted a utility locate request for the excavation area it made on September 18, 2019 and stated that it had not realized at the time that the dig ticket was expired. Additionally, Infrasource stated that the site was still marked at the time of the damage incident, and that it had obtained a dig ticket for the excavation.

While Infrasource had previously obtained a dig ticket for the excavation, RCW 19.122.055 allows the Commission to assess a penalty against any person who fails to notify a one-number locator service before excavation and subsequently causes damage to an underground natural gas or hazardous liquid facility. RCW 19.122.030(6) states, in part, that after the lesser of 45 days from the notice provided or the duration of the project the markings expire and a new request must be made. At the time of the damage incident, the utility locate request was expired by 23 days and no longer valid. Therefore, Infrasource did not provide the required notice before excavating, despite it previously obtaining a dig ticket for the excavation and was found to be in violation of RCW 19.122.055.

Several factors went into determining an appropriate penalty amount, including whether reports of the damage incident were made to the facility operator, one-call notification system, and to the Commission as required by RCW 19.122.050. In this instance, reports from the Company of the damage incident do not appear in the one-call notification database, nor in the Damage Information Reporting Tool. The Commission learned of this damage incident after it was reported by PSE. Additionally, while the Company does perform many excavations and submits many utility locate requests, it was penalized in 2018 for \$1,000 and \$2,500, respectively, for two violations of the dig law that both also occurred due to excavating after the expiration of valid dig tickets. While none of these violations appear to be intentional, the increased penalty amount for each of these similar violations is meant to emphasize the importance of ensuring that excavation is performed only after providing the required notice to facility operators to mitigate the risk of potential dangerous damage incidents that can result from striking underground natural gas facilities. Therefore, staff believes that the penalty amount assessed by the Commission is appropriate, and that the Company's request for mitigation should be denied.

If you have any questions, please contact Steve Davidson, Compliance Investigator, Pipeline Safety and Damage Prevention, at (360) 664-1321, or by email at steve.davidson@utc.wa.gov.

Sincerely,

Sean C. Mayo, Director
Pipeline Safety