



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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December 2, 2022

Amanda Maxwell, Executive Director
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Bodine Construction Company Inc.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket D-220791

Dear Ms. Maxwell:

On November 16, 2022, the Washington Utilities and Transportation Commission (Commission) issued a \$2,500 penalty assessment against Bodine Construction Services Inc. (Bodine or Company) for one violation of RCW 19.122.055(1)(a).

On November 17, 2022, the Company responded to the Commission's penalty assessment by admitting the violation and requesting mitigation. The Company's response explained the following;

They had a locate ticket that was valid until July 9, 2022. They started the job on July 6, 2022, and on July 12, 2022, the damage occurred. The Company explained they did not realize the ticket had already expired only two days earlier. The Company explained that the locate paint was still visible on the ground.

Commission staff (Staff) took into consideration that the DIRT report submitted identified that a hand shovel was being used when the damage occurred, and there were still accurate and visible locate marks on the ground. Staff also reviewed the previous penalty notice that was issued by the Commission on June 6, 2022. That case included a requirement for the Company complete Dig Safe training and pay \$200 of a \$1,000 penalty amount. The remaining \$800 of the penalty amount would be suspended and waived after 12 months on the condition the Company has no further Dig Law violations. On July 12, 2022, the Company submitted verification of completing Dig Safe training, and on July 14, 2022, the Company paid \$200. Staff believes that based on the Company's efforts to comply with the previous case, and because the expired ticket

for this case did not directly contribute to this damage, it is reasonable to accommodate the Company's request for mitigation. The Company will ultimately still be responsible to pay the suspended \$800 from the previous case, and a new penalty assessment of \$1,000 for this case equates to a reasonable total penalty amount of \$1,800 for two incidents of violating RCW 19.122. Staff recommends allowing mitigation and reducing the penalty assessment to \$1,000.

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

Sincerely,

Scott Rukke
Chief Engineer