



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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August 22, 2023

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

RE: *Washington Utilities and Transportation Commission v. Ramex Excavating LLC.*
Commission Staff's Response to Contest the Violation
Docket DG-230590, Case No. 8715

Dear Ms. Maxwell:

On July 25, 2023, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Ramex Excavating LLC (Ramex or Company) for a violation of RCW 19.122.055(1)(a) as follows:

- **\$1,000 penalty for the violation of RCW 19.122.055(1)(a) that occurred on February 3, 2023.**

This violation was for damage to an underground Puget Sound Energy natural gas facility, which occurred on February 3, 2023, at 1534 NW 59th St, Seattle, Washington. The Company failed to provide the required notice to facility operators through the one-call utility locator service as required before excavating and subsequently causing damage to an underground natural gas facility.

On July 27, 2023, the Company responded to the Commission's penalty assessment and contested the violation, stating that it did not damage anything and that it was the General Contractor who had its labor person expose the gas line.

On July 6, 2023, staff requested additional information from the Company to support their claim of the damage not being caused by them. Specifically, staff explained to the Company that PSE has reported Ramex took ownership of the damage. On August 17, 2023, staff received another email from Ramex stating they did not tell PSE it was their responsibility and that it would have the contractor submit a statement taking responsibility. On August 19, 2023, staff received an email from the identified contractor stating, "*Someone stole some of the wiring on the exterior and interior of the building as well as dug up the gas line on the West side of the building. I do not have any information as to who did this or why.*"

Staff received a follow-up email from PSE on August 21, 2023, stating the following:

It took a couple of phone calls to track this back to Ramex, but when I finally got a hold of Paul, he admitted it was his crew who did this. He tried to tell me he thought the line had been cut and capped, but it sounded like he knew only the meter had been pulled but that made it okay. I explained his several mistakes: not calling in his own ticket; assuming a marked gas line was deactive and treating it carelessly and leaving it in a situation that was extremely dangerous. I explained that now there had been several near misses lately and one damage that he will be having to pay for and implored him to work with damage prevention to work with his crews to make sure no one gets hurt....HOPEFULLY Paul will call soon requesting some in office training for his entire staff, because they have had too many issues lately and need some guidance. I told him in no uncertain terms the safety and regulatory issues he was in violation of and that he needs to get his crews up to snuff with understanding the laws and protecting their personal safety and their companies bottom line.

PSE reported its staff is prepared to testify as to its conversation with Ramex.

RCW 19.122.055(1)(a) is clear in its requirements that an Excavator provides notice to the One Call Center before beginning excavation. Staff believes the original penalty should be upheld based on consideration of the following factors:

- 1. Whether the company demonstrates that the facts considered by the Commission underlying the assessment were incorrect or do not support the penalty assessed.** Commission staff assessed that Ramex did not have locates when damage to a Puget Sound Energy natural gas line occurred. Ramex was contacted by staff during the investigation and was provided an opportunity to respond to the evidence provided by Puget Sound Energy. On July 6, 2023, staff specifically asked Ramex to respond to the supporting evidence provided by PSE stating Paul from Ramex took ownership of the damage. Ramex did not respond or provide any further information at that time. Ramex has not submitted a valid ticket.
- 2. Whether the company demonstrates that information or factors exist that the Commission may not have considered.** Ramex stated in its response that it did not cause the damage, but that it was the General Contractor who was responsible. After filing the Contest to the violation, Ramex reported to staff that the general contractor had accepted responsibility for the damage and they would have them provide a statement. On August 21, 2023, staff received a statement from the identified contractor who stated, *“It did not know who or why the damage occurred.”* The statement from the general contractor did not support the claim by Ramex that another party had accepted responsibility. Staff received a follow-up statement from PSE reiterating it had a direct conversation with Paul from Ramex who accepted responsibility for the damage. PSE staff stated it is prepared to provide testimony regarding this conversation.
- 3. Whether the company explains other circumstances that convince the Commission that this violation did not occur or that a lesser penalty will be equally effective in ensuring compliance.**

Ramex has explained to the staff that someone else is responsible, however, it has not provided supporting evidence for this assertion. Prior to making its penalty recommendation, Staff considered information provided by PSE including a statement that they “spoke with Paul from Ramex who took ownership for the damage,” and PSE reported it had a lengthy conversation with Paul from Ramex regarding several dig safe safety concerns. After Ramex filed a Contest to the violation, PSE submitted a statement to staff reiterating it had a direct conversation with Paul from Ramex who accepted responsibility for the damage. PSE staff stated it is prepared to provide testimony regarding this conversation.

Staff considered the need for compliance action along with the needs of the company when setting the recommended penalty amount, including offering a deferral option to waive a portion of the penalty amount on the condition Ramex attends Dig Safe training. Given that the Commission previously issued Ramex two warning letters and previously recommended attending Dig Safe training, Staff determined that the recommended penalty was fair and necessary given the circumstances of the violation.

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

Sincerely,

Scott Rukke
Pipeline Safety Director