

PSE Complaint

Alleged Violator: Chris Miller

Requestor: Erika Hunter

Miller Bros Landscaping

Damage Prevention Program Manager

8020 180th ST SE, Snohomish, WA 98296

Puget Sound Energy

360-668-3829

PO Box 97034, EST-4

WA UBI No. 602 263 053

Bellevue, WA 98009-9734

Complaint #1: 13002 NE 102nd PL, Kirkland (8/29/24)

- Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Complaint#2: 13002 NE 102ND PL, Kirkland (9/12/24)

- Failure to pothole; an excavator shall use reasonable care to avoid damaging underground facilities. An excavator must: (a) determine the precise location of underground facilities which have been marked. RCW 19.122.040

Complaint#3: 13002 NE 102ND PL, Kirkland (9/12/24)

- An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the facility operator and a one-number locator service, and report the damage as required under RCW 19.122.053. If the damage causes an emergency condition, the excavator causing the damage shall also call 911 to alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated. 19.122.050.

History summation:

PSE representative Bob Douglas made contact with crew on this job site on 8/29/24, the crew was on site excavating before ticket work to begin date of 08/31/2024. Bob Douglas made them aware of this and emailed Chris Miller about the situation. On 9/12/24 Bob Douglas went back out and found damaged $\frac{3}{4}$ STW service buried without being reported or repaired. Miller Bros did not call and report the damage. When Bob requested the Miller and MN meet him on site, only Drew Garris from MN Homes did so. Miller Bros did not attend. The contractor had also damaged a phone line in the same area and Bob reached out to that utility to inform of them of the damage. Reviewing all this information they were out of compliance on [RCW 19.122.030(2)], RCW 19.122.040, RCW 19.122.053.

Complaint #1:

Date: 08/29/24

Location: 13002 NE 102nd PL, Kirkland

Damage Prevention Representative: Bob Douglas

Locate Ticket Number Associated with Address:

Ticket Number: 24364036

Original Call Date: 08/28/24

Work to Begin Date: 08/31/24

Notes about the Ticket: digging before the work to begin date

Summary:

1. On 8/29/24 Bob went to job site and work had been performed before ticket was valid.
2. The action taken by PSE's Damage Prevention Representative:
 - a. Requested that the excavator, Miller Bros, not work until the work to begin date.
 - b. Talked and emailed with Miller Bros to explain why the current situation was in violation of the law.
 - c. Documented through pictures
 - i. screen shot of the locate ticket
 - ii. Photos of work that was done prior to utilities being marked
 - iii. Photos of excavation on site

Complaint #1: 13002 NE 102nd PL, Kirkland (8/29/24)

- Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Pictures and other evidence

Employee: James W Hatley

Num: 16371

Work Date: 2024-08-29 DLSID: 3494065

Displaying Picture

To download current picture, right click on image then click Save Picture As...



Excavation that was in progress prior to work to begin date. This picture was taken by our locate provider at the time of marking and is time date stamped prior to the work to begin date

Picture Timestamp: 8/29/2024 4:48:09 PM (Mountain Timezone)

**Timestamp on picture is in local timezone.

Washington One Call

Ticket No: 24364036

2 FULL BUSINESS DAYS

Update of: 24117538

Original Call Date: 08/28/24 12:26 pm

Work to Begin Date: 08/31/24 12:00 am

Expiration Date: 10/12/24 12:30 pm

TICKET ACTIONS

CALLER INFORMATION

Company Name: MILLER BROS LANDSCAPING

Contact Name: SHAUNA HAHN

Alt. Contact: CHRIS MILLER - CALL 1ST

Caller Address: 8020 180TH ST SNOHOMISH, WA 98296

Email Address: info@millerbrotherslandscaping.net

Type of Excavator: CONTRACTOR

Phone: 360-668-3829

Phone: 360-668-3829

Fax Phone:

DIG SITE INFORMATION

Type of Work: FINAL GRADE REDO DRIVEWAY

Directional Drilling: NO

Type(s) of Excavation Equipment: BACKHOE / TRACKHOE, HAND TOOLS

Work Being Done For: MN HOMES

DIG SITE LOCATION

Sent: Thursday, August 29, 2024 2:19 PM

To: info@millerbrotherslandscaping.net; karl@mncustom.com

Cc: Hunter, Erika <Erika.Hunter@pse.com>

Subject: 13002 ne 102nd pl, Kirkland

Hello Chris,

I came across a Millers bros crew working at this site today. The 811 request, 24364036, is not legal to start digging until 8/31 and has not been marked yet either. The crew has removed 18-24" of material over the gas service and the power service. There is no evidence they verified depth and location of these before doing this grading work.

I am going to request you have your guys stop work until it is legal to do so and when they return have them pothole the gas and electric to ensure we do not have a shallow condition in the ROW. Please have them or Dijali of MN Homes call me when they have it exposed so PSE can inspect and verify depth.

I have attached a copy of WA 811 dig law RCW 19.122 that does address this. My supervisor is also cc'd above.

Thank you,

Bob Douglas

Damage Prevention Program Representative

PUGET SOUND ENERGY

Bellevue, Factoria Service Center

C: 425-375-3397

Bob's email to Miller Bros and MN Custom Homes.



Miller Bros Truck



IMG_3172

August 29 2024

1 52 PM

Size Info
4032 x 3024 4.5 MB 72 dpi 24 bit

Device Info
Apple iPhone SE (2nd generation) 3.99 mm
f/1.8 1/1600 sec ISO 20 EXP 0
No flash, compulsory

Source
This PC

File Path
C:\Users\lehurite\AppData\Local\Microsoft
\Windows\I\NetCache\Content.Outlook
\EA42T80Q\IMG_3172.jpg

Time stamp photo of Miller Bros excavating

Complaint#2:

Date: 9/12/24

Location: 13002 NE 102ND PL, Kirkland

- Failure to pothole; an excavator shall use reasonable care to avoid damaging underground facilities. An excavator must: (a) determine the precise location of underground facilities which have been marked. RCW 19.122.040

Complaint #3:

Date: 9/12/24

Location: 13002 NE 102ND PL, Kirkland

Damage Prevention Representative: Bob Douglas

Locate Ticket Number Associated with Address:

Ticket Number: 24364036

Original Call Date: 8/28/24

Work to Begin Date: 8/31/24

Notes about the Ticket: Damaged after previous site visit, phone call, and email

Summary:

1. On 9/12/24 Bob went back out to the excavation location due to no response to the previous email.
2. Upon arrival moved dirt with his foot and found damaged $\frac{3}{4}$ STW service bent with the wrap damaged. Documentation includes:
 - i. screen shot of damage in our dirt report
 - ii. excavation on site
 - iii. photo of excavation

Due to the facts we assert that the contractor violated the dig law:

19.122.053; An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the facility operator and a one-number locator service, and report the damage as required. If the damage causes an emergency condition, the excavator causing the damage shall also call 911 to alert the appropriate public safety agencies and take all appropriate steps to ensure the public safety. Additionally, no damaged underground facility may be buried until it is repaired or relocated. 19.122.050.

Photo and other evidence

Screenshot of DIRT report

Gas Damages from Gremlin

Contractor_at_Fault	Damage_cause	Date_Of_Damage	Damage_Location_Street	Damage_Gas_City
DC CONSTRUCTION & REMODELING	NOLOCATEREQ	9/13/2024	4015 122ND PL NE	MARYSVILLE
RV FLATWORK	NOLOCATEREQ	9/14/2024	1852 E SHELBY ST	SEATTLE
ELM	LOCERROR	9/13/2024	5337 S KENYON ST	SEATTLE
MODERN S CONSTRUCTION	EXDUGBEFORE	9/13/2024	29217 58TH PL S	AUBURN
ORION ROCKSCAPES	INSUFEX	9/13/2024	19827 10TH AVE NW	SHORELINE
HOMEOWNER	NOLOCATEREQ	9/12/2024	12701 56TH DR NE	MARYSVILLE
MILLER BROTHERS LANDSCAPING	EXTESTHOLE	9/12/2024	13002 NE 102ND PL	KIRKLAND
THOMPSON EXCAVATING	INSUFEX	9/12/2024	1414 S FOREST ST	SEATTLE
GREAT NORTHWEST EXCAVATION LLC	EXTESTHOLE	9/11/2024	9626 131ST STREET CT E	PUYALLUP
INFRA SOURCE	INSUFEX	9/11/2024	926 E SHELBY ST	SEATTLE
DB WALKER TRUCKING & EXCAVATING	INSUFEX	9/10/2024	5444 106TH AVE NE	KIRKLAND



Damage Bob discovered that had not been reported and was reburied. No one was onsite at the time and he reported the damage to





Damaged utility that was not reported;
Marks are accurate



Gas line is gouged and bent

Sent: Thursday, August 29, 2024 2:19 PM

To: info@millerbrotherslandscaping.net; karl@mncustom.com

Cc: Hunter, Erika <Erika.Hunter@pse.com>

Subject: 13002 ne 102nd pl, Kirkland

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Bob Douglas

Damage Prevention Program Representative

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Bob's email to request that they pothole