

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: DG-260183

PENALTY AMOUNT: \$1,000

Investigation # 9296

EMAIL SERVICE

Jeffries Construction LLC  
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**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that Jeffries Construction LLC (Jeffries Construction or Company) violated Revised Code of Washington (RCW) 19.122.040(2)(a) by failing to use reasonable care to avoid damaging underground facilities by determining the precise location of underground facilities which have been marked.

RCW 19.122.055(1)(a) states, in part, that any excavators who violate any provision of this chapter and causes damage to an underground gas facility are subject to a civil penalty of not more than \$25,000 for each violation.

On March 12, 2026, Cascade Natural Gas (CNG) submitted to the commission a 30-day report of an incident involving Jeffries Construction damaging a natural gas facility that occurred on February 23, 2026. Commission staff (Staff) conducted an investigation that included reviewing the incident and damage reports, emails and photos, the one Call Center database, and communications with the Company. The investigation identified a natural gas damage event that involved Jeffries Construction damaging a natural gas line during excavation..

The Commission reviewed findings and recommendations made by Staff and hereby notifies you that it is assessing a \$1,000 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation:**

On February 23, 2026, Jeffries Construction was excavating at the intersection of Meadowood and Gun Club Rd, Woodland, Washington and caused damage to a CNG natural gas line. The 30-day report submitted by CNG on March 12, 2026, indicated that the company excavated before verifying marks by pothole.

2. **Analysis:**

The alleged violation concerns RCW 19.122.040(2)(a), which states, in part, that an excavator shall use reasonable care to avoid damaging underground facilities by determining the precise location of underground facilities which have been marked. In the damage report provided by CNG, it indicated that the excavator damaged a 2” main gas

line. In the supporting documents provided by CNG, it described the incident as an interruption in service to 226 customers. CNG provided photos of the damage demonstrating that the locate marks are visible and appear accurate. CNG identified the root cause of the damage as failure to pothole.

On March 16, 2026, staff sent email communication to Jeffries Construction requesting information regarding the damage incident. The Company responded and provided a statement and the accident report, explaining that the employee who was operating the excavator failed to notice the locate marks on the roadway and put a bucket tooth through the gas line. In the statement, the Company acknowledged vac trucks were available, and pot holing should have occurred. The Company summarized in the accident report that the accident could have been avoided if they had paid attention to locates and potholed utilities.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**  
This incident could have been harmful to Company workers, utility technicians, nearby homeowners, and the public, and could have resulted in serious injury and loss of property.
2. **Whether the violation is intentional.**  
This violation appears to be due to negligence by Jeffries Construction rather than a lack of knowledge regarding Washington State's dig law. Over the past 12 months Jeffries Construction has submitted 130 requests to locate underground facilities in Washington. This demonstrates the Companies knowledge of the requirements and its responsibility to comply with the Dig Law.
3. **Whether the company self-reported the violation.**  
Jeffries Construction did not self-report the violation. The Commission received a 30-day Incident Report as required by Washington Administrative Code (WAC) 480-93-200(4) from CNG on March 12, 2026, concerning an incident that occurred on February 23, 2026.
4. **The likelihood of recurrence.**  
The likelihood of recurrence depends on the Company's actions going forward and its willingness to comply with Washington State's dig law.
5. **The Company's previous violations and penalties.**  
The Company has no prior history of warning letters or penalties.

The Commission has considered these factors and determined that it should penalize Jeffries Construction as follows:

- \$1,000 penalty for one violation of RCW 19.122.040(2)(a) with an offer to suspend an \$800 portion of the penalty for 90 days, and then waive it, subject to the conditions that:

- 1) Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
- 2) The Company must submit documentation of training completion to the Commission's web portal at <https://efiling.utc.wa.gov/Form>.

Further violation of chapter 19.122 RCW will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

**You must act within 15 days after receiving this Penalty Assessment** to do one of the following:

- Pay the \$1,000 penalty amount due; or
- Pay \$200 and notify the Commission that you accept the offer to suspend an \$800 portion of the penalty amount for 90 days, and then waive it, subject to the following conditions:
  - Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**); or
- Contest the occurrence of the violation; or
- Admit the violation but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a

paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>1</sup>

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective April 14, 2026.

*/s/ Connor Thompson*  
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CONNOR THOMPSON  
Director, Administrative Law Division

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<sup>1</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**PENALTY ASSESSMENT DG-260183 Investigation # 9296**

**PLEASE NOTE:** You must complete and sign this document and send it to the Commission within 15 days after you receive the Penalty Assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, competent to testify to the matters set forth below, and I have personal knowledge of those matters. I hereby make, under oath, the following statements:

- [ ] 1. **Payment of penalty.** I admit that the violation occurred:  
 [ ] Enclose \$1,000 in payment of the penalty.  
 OR [ ] Attest that I have paid the penalty through the Commission's payment portal.
- [ ] 2. **Accept conditions.** I admit that the violation occurred and enclose \$200 toward the payment of the penalty. I also accept the Commission's offer to suspend for 90 days, and ultimately waive, the remaining \$800 penalty amount subject to the following conditions:
- o Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).
- [ ] 3. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):
- [ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
- OR [ ] b) I ask for a Commission decision based solely on the information I provide above.
- [ ] 4. **Request mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):
- [ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
- OR [ ] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [Month/Day/Year], at \_\_\_\_\_ [City, State]

\_\_\_\_\_  
Name of Respondent (Company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020 “Perjury in the first degree.”

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.