

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: DG-260265

PENALTY AMOUNT: \$1,000

Investigation # 9306

EMAIL SERVICE

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**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that AA Asphaltting, LLC (AA Asphaltting or Company) violated Revised Code of Washington (RCW) 19.122.040(2)(d) for failing to use reasonable care to avoid damaging underground facilities, by failing to use safe and careful work methods.

On March 31, 2026, Puget Sound Energy (PSE or Complainant) submitted to the commission a 30-day report of an incident involving AA Asphaltting damaging a natural gas facility that occurred on March 7, 2026. Staff conducted an investigation that included reviewing the incident and damage reports, email communication with PSE and the Company, photographs, and the one Call Center database. The investigation identified a natural gas damage event that involved AA Asphaltting

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.

Commission staff (Staff) conducted an investigation that included reviewing damage reports, investigation reports, the One Call Center database, and communications with the Company. The documents reviewed identified a natural gas event that involved AA Asphaltting damaging a natural gas facility while excavating without a valid locate ticket.

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 March 7, 2026, AA Asphaltting was excavating at 3011 South Jackson Street, Seattle, Washington. The 30-day report submitted by PSE on March 31, 2026, indicated that the

AA Asphaltting was working on a repaving project and pressure from the excavation equipment cracked the tee off a 2" polyethylene (PE) main causing a broken and blowing condition.

2. **Analysis:**

The alleged violation concerns RCW 19.122.040(2)(d), which states, in part, that an excavator shall use reasonable care to avoid damaging underground facilities by using safe and careful work methods, taking into consideration the known and unknown underground facilities and the surface and subsurface to be excavated.

On April 6, 2026, PSE responded to Staff's request for information. PSE provided the Report of Damage to Gas Facilities (GFR report) which documented that AA Asphaltting was completing street repair when the backhoe operator placed the bucket on the soft surface to take the pressure off the machine to lift the outriggers. At the time, the bucket was over the 1 1/8" service T on a 2" PE gas main. The downward pressure ripped the service T off the 2" PE gas main. This excavation practice is not a safe and careful work method. The GFR report noted that the gas main was not exposed at the time of the damage and the Company had a valid locate. In addition, the Company remained on site and assisted with the remediation of the roadway. The ELM report commented that AA Asphaltting damaged the 1 1/8" PE gas line with an excavator. The report noted that the marks were accurate at the time of the damage. The ELM report included photographs of the excavation area. PSE also provided two photographs documenting the excavation area.

AA Asphaltting provided a response to Staff's request for information and confirmed that the Company was excavating at 3011 Jackson Street on March 7, 2026. The Company documented that on the day of the incident, the crew removed the existing hard surface, which was approximately 10-11 inches thick. The crew then hand-dug to verify that the gas line was clear of the tolerance zone. Once the crew removed the 10' x 12' patch, the operator began removing the backhoe from the excavation to prepare for transport. As the Company operator raised the outriggers, the bucket remained positioned within the patch. AA Asphaltting believes that the pressure from the machine's weight caused the PE gas line to flex, which may have resulted in the PE weld separating from the PSE feed and causing the damage. AA Asphaltting provided an updated policy change that no placement of equipment on or near underground utilities. The Company provided a copy of the CGA Dirt report it submitted.

Staff searched the Washington One Call Center database and confirmed that AA Asphaltting had a valid locate ticket (#26063146) for South Jackson Street and 30<sup>th</sup> Avenue South which covered the location of the incident.

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 significantly more harmful to Company workers, utility technicians, nearby homeowners, and the public, and it could have resulted in severe injury and/or loss of property.

2. **Whether the violation is intentional.**

This violation appears to be due to negligence by AA Asphaltting rather than a lack of knowledge regarding Washington State's dig law. Between April 23, 2025, and April 23, 2026, AA Asphaltting has submitted 9929 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.**

AA Asphaltting self-reported the violation by submitting a DIRT report to commission's virtual private DIRT. The Commission also received a 30-day Incident Report as required by WAC 480-93-200(4) from PSE on March 31, 2026, concerning an incident that occurred on March 7, 2026.

4. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its willingness to comply with the Washington State's Dig Law.

5. **The Company's previous violations and penalties.**

On July 30, 2013, the Commission mailed an Alleged Violation of Washington Dig Law letter to AA Asphaltting. The letter included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for submitting utility locate requests before excavating, and the possibility of penalties for each violation. The Commission mailed the letter after receiving a report of damage caused by AA Asphaltting on May 23, 2013, that occurred because the Company failed to submit a request to locate underground utilities before excavating.

The Commission has considered these factors and determined that it should penalize AA Asphaltting LLC as follows:

- \$1,000 penalty for one violation of RCW 19.122.040(2)(d) 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 complete Dig Safe Training provided through the National Utility Contractors Association (NUCA) within 90 days of this Penalty Assessment; and
  - 2) The Company must submit documentation of training completion to the Commission.

Further violation of RCW 19.122 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 May 7, 2026.

/s/Connor Thompson  
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-260265 Investigation # 9306

**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.