STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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MEMORANDUM

Date: July 13, 2026

To: Connor Thompson, Director
Administrative Law Division

From: Arianna Le, Damage Prevention Investigator
Pipeline Safety Program

Subject: Docket DG-260564 Investigation #9326 Penalty Assessment recommendation of $2,500 against Lariviere, Inc. d/b/a T. Lariviere Equipment & Excavation, Inc. for one violation of RCW 19.122.040(2)(d).

I. Background/Discussion

Staff believes that Lariviere, Inc. d/b/a T. Lariviere Equipment & Excavation, Inc. (Lariviere or Company) violated the following Revised Code(s) of Washington (RCW):

- RCW 19.122.040(2)(c) for failing to use reasonable care to avoid damaging underground facilities, by failing to provide support for underground facilities in and near the construction area, as may be reasonably necessary for the protection of such facilities.

On June 2, 2026, Avista Corporation (Avista) submitted to the Commission a 30-day report of an incident involving Lariviere damaging a natural gas facility that occurred on May 4, 2026.[1] Staff conducted an investigation that included reviewing the incident and damage reports, emails, photographs, the One Call Center database, and communications with the Company. The investigation identified a natural gas damage event that involved Lariviere.

II. RCW Civil Penalty Citation

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.

[1] 30-Day Report-AVISTA. (Attachment 1)

III. Investigation Summary and Analysis

Alleged Violation:

On May 4, 2026, Lariviere was excavating 9111 North Harwood Street (Shop), Nine Mile Falls, Washington. The 30-day report submitted by Avista on June 2, 2026, indicated that Lariviere was digging near the gas facility and failed to protect the exposed facility causing damage to a 3/4" steel service tee on a 2" steel main.

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 providing support for underground facilities in and near the construction area as may be reasonably necessary for the protection of such facilities.

The 30-day incident report explained that Lariviere was excavating when a large rock fell from the sidewall of the trench and hit the 3/4" steel service tee, causing it to blow gas. The report noted that the Company had valid locates (ticket #26116062) and the locates were present and accurate. On June 4, 2026, Avista responded to Staff's request for information and zip file that included the ELM report and Avista Excavation Damage report. The ELM report documented that the Company had dug a ditch in the middle of the road for a sewer main line install when the bank caved in and damaged the 3/4" polyethylene (PE) service tee to the PE shop service, not the steel service to the house. The damage caused three hours of service interruption. The ELM report included two photographs documenting a rock that had fallen onto the service line and the condition of the excavation site.[2] Avista's Excavation Damage report documented that Lariviere failed to support the exposed service facility and a rock fell onto the service tee from the trench sidewall. The report noted that the 3/4" tap tee transition fitting was repaired.[3] Avista provided the Gas Print reports documenting the location of the damage. Avista also provided multiple photographs documenting the fallen rock onto the line and the condition at the excavation site confirming the facility was not protected or supported while exposed.[4]

On July 1, 2026, Lariviere provided a response to Staff and provided an attached Respondent Statement. The statement documented that the Company's internal investigation confirmed that a large rock fell from the sidewall of the trench and hit a 3/4" service tee, causing it to blow gas.[5]

Staff searched the Washington One Call Center database and confirmed Lariviere had a valid locate ticket for West Dogwood Avenue and Harwood Street, Spokane, Washington on May 4, 2026, the day of the damage. The location of work included 9111 North Harwood Street, Nine Mile Falls, Washington. The locate ticket identifies Spokane as the city. However, Nine Mile Washington is an unincorporated community approximately nine miles from Spokane, Washington.[6]

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[2] Avista Response-ELM Report. (Attachment 2)
[3] Avista Response-Excavation Damage Report. (Attachment 3)
[4] Avista Response-Gas Prints-Photos Combined. (Attachment 4)
[5] Respondent Statement Form. (Attachment 5)
[6] Staff Search of WA One Call- Ticket 26116062 (Attachment 6)

IV. Factors in determining penalty amount:

Staff also took into consideration the following factors in determining the appropriate penalty amount:

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 Lariviere rather than a lack of knowledge regarding Washington State's dig law. Between July 2, 2025, and July 1, 2026, Lariviere has submitted 16 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.**
   Lariviere did not self-report the violation. The Commission received a 30-day Incident Report as required by WAC 480-93-200(4) from Avista on June 2, 2026, concerning an incident that occurred on May 4, 2026.

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

5. **The Company's previous violations and penalties.**
   - **Warning Letter**
     On March 5, 2026, the Commission mailed Alleged Violation of Washington Dig Law letters to Lariviere. 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 Lariviere on July 24, 2019, that occurred because the Company failed to submit a request to locate underground utilities before excavating.

   - **Penalty Assessments**
     - On November 23, 2021, the Commission issued Lariviere a Penalty Assessment of $1,000 for one violation of RCW 19.122.055(1)(a) – in docket DG-210771.
     - On May 30, 2023, the Commission issued Lariviere a Penalty Assessment of $2,500 for one violation of RCW 19.122.055(1)(a) - in docket DG-230369.

V. Recommendation

Staff has considered these factors and recommends that the Commission should penalize Lariviere, Inc. d/b/a T. Lariviere Equipment & Excavation, Inc. as follows:

- $2,500 penalty for one violation of RCW 19.122.040(2)(d).

VI. Alleged Violator Contact Information

Contact Name:	Thomas Lariviere III; Thomas Lariviere Sr.
Business Name:	Lariviere, Inc. d/b/a T. Lariviere Equipment & Excavating
Address:	PO Box 100 Athol, Idaho 83801-0100
Email:	reception@lariviere.co
Phone:	(208) 686-2646
UBI:	602-764-461

VII. Parties of Records Docket Service List:

- Thomas Lariviere III: hr@lariviere.co
- Avista: Tyler.proszek@avistacorp.com; Carie.mourin@avistacorp.com