



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

Nov. 23, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Roy Murphy, D-150571 Penalty Assessment

Dear Mr. King:

On Aug. 10, 2015, Roy Murphy was assessed a \$1,000 penalty for violations of RCW 19.122.031(1)(a) and RCW 19.122.050. Mr. Murphy had the option to have \$800 of the penalty waived on the conditions that: (1) Mr. Murphy attend “Dig Safe” training provided through National Utility Contractors Association (NUCA); and (2) that Mr. Murphy commit no further violations of RCW 19.122 within the next 12 months. Mr. Murphy was required to respond to the penalty assessment with his selection within 15 days of his receipt of the penalty assessment. According to commission records, the penalty assessment was mailed to Mr. Murphy’s current address on Aug. 10, 2015.

On Sept. 30, 2015, Mr. Murphy submitted a request to respond to the penalty assessment beyond the 15-day timeline specified in the penalty assessment. Mr. Murphy stated that he had not received a copy of the penalty assessment and was unaware of the 15-day response time. In addition, Mr. Murphy stated that he plans to attend the next NUCA Dig Law training, as recommended by the Dig Law Safety Committee, and has contacted commission staff to confirm the date of the training.

Staff believes that Mr. Murphy does want to ensure compliance with RCW 19.122, and as compliance is the commission’s ultimate objective, staff recommends that the commission accept Mr. Murphy’s request to submit his response to the penalty assessment outside of the 15-day timeline. Further, staff recommends that Mr. Murphy be allowed to request \$800 of the penalty to be waived on the condition that he attend NUCA “Dig Law” training within 90 days of this letter and commit no further violations within 12 months.

Sincerely,

Sharon Wallace, Assistant Director
Consumer Protection and Communications