



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

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March 23, 2018

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: *Washington Utilities and Transportation Commission v. Rock Placing, Co.*
Commission Staff's Response to Mitigation Request.
Docket DG-180169

Dear Mr. King:

On March 5, 2018, the Utilities and Transportation Commission (commission) issued an \$8,500 Penalty Assessment in Docket DG-180169, against Rock Placing Co. for three violations of RCW 19.122. These violations were based on information submitted to the commission by Avista Utilities regarding damages to their natural gas facilities. The Penalty Assessment was received via certified mail by Rock Placing Co. on March 7, 2018. The deadline for the company's response to the commission was March 22, 2018.

On March 12, 2018, the commission received a response from Rock Placing Co., requesting mitigation and providing a brief explanation for the request. The company stated that their locate requests have increased over the years and that two of the violations were the result of being asked by customers to install a rock wall within 24 hours of being contacted. The company also stated they have learned their lesson moving forward, but ultimately feel that paying \$8,500 would be excessive.

On March 21, 2018, Staff spoke with company representative Ryan Yeoman about their mitigation request. Mr. Yeoman stated the company has made significant improvements to their damage prevention practices and that they are taking a very proactive approach to employee safety. Staff feels confident after speaking with Mr. Yeoman that the company is taking the necessary steps to prevent future damage incidents from occurring.

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Staff discussed the mitigation process with Mr. Yeoman and offered to recommend that the commission suspend \$2,500 of the original penalty on the conditions that 1) Rock Placing Co. field crew involved in excavation, including company management, attend Dig Safe training provided through the National Utility Contractors Association (NUCA), within 12 months of the date of Order 01; and (2) Rock Placing Co. commits no further violations of RCW 19.122 within the next 12 months. The total outstanding penalty of \$6,000 would become immediately due and payable upon approval by the commission.

Staff also explained that the commission will ultimately waive the suspended penalty amount of \$2,500 if Rock Placing Co. complies with both conditions. If Rock Placing Co. fails to comply with either of these conditions, the \$2,500 deferred penalty will become immediately due and payable, in addition to any new penalties that the Commission might assess for additional violations.

Staff reviewed the mitigation request submitted by Rock Placing Co., in conjunction with all other relevant information, and recommends that the commission mitigate the penalty to the mutually agreed upon \$6,000, with \$2,500 suspended based on the conditions outlined above. The company admitted to not having the best damage prevention practices in place at the time of the violations and has taken steps to ensure future compliance. Staff's research also indicates that Rock Placing Co. has not had any further violations of RCW 19.122 since the most recent violation occurred on July 25, 2017.

Sincerely,

Sean C. Mayo
Pipeline Safety Director