

Penalty Assmnt:
DG-190245

Investigation #7948

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-190245, Investigation # 7948

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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, am 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 violations occurred and enclose \$3,000 in payment of the penalty.

2. **Accept conditions.** I admit that the violations occurred and have enclosed \$1,500 of the \$3,000 penalty amount. I also accept the Commission's offer to suspend, and ultimately waive, the remaining \$1,500 of the penalty amount subject to the following conditions:

- Company employees, including management and crew foremen involved in excavations, attend Dig Safe training provided through NUCA within 12 months of this Notice; and
- Submit documentation of attendance to the Commission within five (5) days of attending the training; and
- Commit no further violations of RCW 19.122 within twelve (12) months of the date of this Notice.

3. **Contest the violation.** I believe that the alleged violations 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 violations, 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: 5/29/19 [Month/Day/Year], at Newnan GA [City, State]

ELLER CORP
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

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(s) 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 his or her decision.

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

- Pay the \$3,000 penalty amount due; or
- Pay \$1,500 of the \$3,000 penalty amount and notify the Commission that you accept the offer to suspend, and ultimately waive, the remaining \$1,500 of the penalty amount subject to the following conditions:
 - Company employees, including management and crew foremen involved in excavations, **attend Dig Safe training** provided through NUCA within 12 months of the date of this Notice; and
 - **Submit documentation of attendance to the Commission within five (5) days of attending the training;** and
 - **Commit no further violations** of RCW 19.122 within twelve (12) months of the date of this Notice; or
- Request a hearing to contest the occurrence of either or both of the violations; or
- Request mitigation to reduce the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective May 13, 2019.

/s/ Rayne Pearson
RAYNE PEARSON
Director, Administrative Law Division