



Avista Corp.
1411 East Mission P.O. Box 3727
Spokane, Washington 99220-0500
Telephone 509-489-0500
Toll Free 800-727-9170
Via: UTC Web Portal

March 25, 2021

Mark L. Johnson
Executive Director and Secretary
Washington Utilities & Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: D-200814 - Avista's Utilities' Reply to Notice of Penalties Incurred and Due for
Violations of Laws and Rules

Dear Mr. Johnson,

Avista Corporation, dba Avista Utilities (Avista or the Company), submits this reply letter in response to the Washington Utilities and Transportation Commission's (WUTC) Notice of Penalties Incurred and Due for Violations of Laws and Rules (Notice) issued on March 18, 2021 in Docket D-200814.

The Company has reviewed the Notice, and while disappointed in the penalty assessed, accepts the penalty.

Included with this letter is a check in the amount of \$5,000 for the penalty assessment and locating certification records for ELM Locating and Utility Services (ELM) personnel involved in the violation. In lieu of the locator training, the WUTC pipeline safety staff informed the Company that they will accept Avista's Operator Qualification Locating Certification records which were completed on December 16, 2020. The locator that failed to accurately locate Avista's gas pipeline

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facility, Jacob Edwards, resigned in May of 2020 so no longer works for ELM. Attached are the locating certification records for Tyler Proszek, ELM, Spokane Supervisor and Ryan Ross, ELM, Spokane Area Manager.

If you have any questions regarding this situation, please contact Linda Burger at 509-495-4423 or linda.burger@avistacorp.com.

Sincerely,

/s/ Mike Faulkenberry

Mike Faulkenberry
Director of Natural Gas

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT D-200814, Investigation #8245

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 violation occurred and enclose \$5,000 in payment of the penalty. I will submit proof of completion of locator and locator supervisor training within 10 days of completion.

2. **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.

3. **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: 3/24/2021 [Month/Day/Year], at Spokane, WA [City, State]

Mike Faulkenberry, Avista Utilities
Name of Respondent (Company) – please print

Mike Faulkenberry
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 makes a materially false statement which he 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 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."

Avista Operator Qualification Certification Record

Employee Name	Status	Current Manager	Organization	Title	Activity Name	Activity Code	Acquired Date	Expiration Date
Ross, Ryan	Active	Burger, Linda	ELM Locating Utility	Contractor - Gas Construction	Recognizing Unsafe Meter Sets Certification	221.070.070	Dec 16, 2020	Dec 31, 2023
Ross, Ryan	Active	Burger, Linda	ELM Locating Utility	Contractor - Gas Construction	Prevention of Accidental Ignition Certification	221.230.040	Dec 16, 2020	Dec 31, 2023
Ross, Ryan	Active	Burger, Linda	ELM Locating Utility	Contractor - Gas Construction	Damage Prevention Certification	221.120.070	Dec 16, 2020	Dec 31, 2023
Ross, Ryan	Active	Burger, Linda	ELM Locating Utility	Contractor - Gas Construction	Locate Gas Pipelines Certification	221.230.050	Dec 16, 2020	Dec 31, 2023

Avista Operator Qualification Certification Record

Employee Name	Status	Current Manager Name	Organization	Title	Activity Name	Activity Code	Acquired Date	Expiration Date
Proszek, Tyler	Active	Burger, Linda	ELM Locating & Utility Se	Contractor - Gas Construction	Recognizing Unsafe Meter Sets Certification	221.070.070	Dec 16, 2020	Dec 31, 2023
Proszek, Tyler	Active	Burger, Linda	ELM Locating & Utility Se	Contractor - Gas Construction	Prevention of Accidental Ignition Certification	221.230.040	Dec 16, 2020	Dec 31, 2023
Proszek, Tyler	Active	Burger, Linda	ELM Locating & Utility Se	Contractor - Gas Construction	Damage Prevention Certification	221.120.070	Dec 16, 2020	Dec 31, 2023
Proszek, Tyler	Active	Burger, Linda	ELM Locating & Utility Se	Contractor - Gas Construction	Locate Gas Pipelines Certification	221.230.050	Dec 16, 2020	Dec 31, 2023