



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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 COMMISSION

July 15, 2021

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

RE: *Washington Utilities and Transportation Commission v. Snohomish County Public Utilities District*
 Commission Staff’s Response to Application for Mitigation of Penalties
 Docket DG-210294

Dear Mr. Johnson:

On June 16, 2021, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Snohomish County Public Utilities District #1 (Snohomish PUD) in the amount of \$1,000 for violations of RCW 19.122.030(6), as follows:

- **\$1,000 penalty for the violation of RCW 19.122.030(6)(c) committed by Snohomish PUD on October 7, 2020.**

This violation was for a damage incident to an underground natural gas facility on October 7, 2020, that occurred because Snohomish PUD began excavation without a valid locate ticket. Snohomish PUD requested locates for 1111 Emerald Hills, however, Snohomish PUD did not wait the required two full business days before beginning excavation. The ticket was requested on October 6, 2020, and the damage occurred on October 7, 2020.

Snohomish PUD’s July 6, 2021 letter to the Commission seeking mitigation raises several objections, including purported discrepancies in line size, Snohomish PUD’s purpose behind the excavation activity, and a purported lack of clarity in Commission staff’s attempts to contact them.¹ None of these alleged factors, even if true, are material to the fact that Snohomish PUD initiated excavation prior to obtaining a valid dig ticket. The documents provided by Snohomish PUD and verified by Commission Staff, clearly prove that Snohomish PUD submitted its requested locates on October 6, 2020, but began excavation on October 7, 2020. Snohomish PUD did not wait two full days before beginning excavation as required by RCW 19.122.030.

¹ Snohomish PUD states “[i]t is unclear when and how such contact was attempted.” Joice Hagen, Staff Compliance Investigator, Pipeline Safety, contacted Snohomish PUD via email on April 29, 2021. A true and correct copy of this email is attached to the accompanying Declaration of Joice Hagen.

Staff reviewed Snohomish PUD's compliance history before the Commission and determined that Snohomish PUD's last violation for failing to obtain locates prior to beginning excavation occurred in November 2017. Additionally, Staff reviewed the registration and attendance for the National Utility Contractors Association (NUCA) Dig Safe trainings, and Snohomish PUD was not listed as having participated in the Dig Safe Training. It is the Commission's priority to reduce the risk of damage to underground facilities and to achieve compliance and cooperation with RCW 19.122. Considering a totality of the factors in this case, Staff cannot recommend mitigation. However, Staff recommends suspending \$500 of the \$1,000 penalty assessed in this matter for 12 months, on the condition that Snohomish PUD incurs no additional violations within 12 months of the date of the Commission order, and Snohomish PUD supervisors who are involved in and oversee excavation complete Dig Safe Training to develop an understanding of the requirements of RCW 19.122 within 90 days of the Commission's notice. The Commission will ultimately waive the \$500 suspended penalty if Snohomish PUD complies with the conditions outlined above. However, if the Commission discovers any subsequent violations of RCW 19.122 within the 12-month period, or Snohomish PUD personnel fail to attend Dig Safe Training as described above, the \$500 suspended penalty will become immediately due and payable, in addition to any penalties that may be assessed for subsequent violation(s).

If you have any questions, please contact Joice Hagen, Compliance Investigator, Pipeline Safety and Damage Prevention, by phone at (360) 664-1321, or by email at Joice.Hagen@utc.wa.gov.

Sincerely,

Mayo,
Sean (UTC)
Sean C. Mayo, Director
Pipeline Safety

Digitally signed by
Mayo, Sean (UTC)
Date: 2021.07.15
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