



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop SE • Lacey, Washington 98503

P.O Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

Service Date: November 4, 2021

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Amanda Maxwell, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Prairie Electric Inc.*  
Commission Staff's Response to Contest of Violations  
Docket DG-210327

Dear Ms. Maxwell:

The Washington Utilities and Transportation Commission (Commission) issued a \$5,000 Penalty Assessment on October 11, 2021, against Prairie Electric, Inc. (Prairie or Company) for two violations of RCW 19.122.055. The Company paid \$2,500 for the first violation.

The Company responded to the Commission's penalty assessment on October 21, 2021, contesting the second violation. The Company stated a valid locate request existed and that the damage was a result of the Locator failing to locate the underground natural gas facility.

This violation was for damage to an underground natural gas facility owned by Northwest Natural located at NE 239<sup>th</sup> and NE 142<sup>nd</sup> Avenue in Battle Ground. The Company failed to provide the required notice to the facility operator through the one-call utility locator service as required before excavating and subsequently causing damage to the underground natural gas facility on July 7, 2021.

Prairie requested a locate on 6/21/2021 and assigned ticket #21280111. The ticket described the location of work as follows: *At the intersection of 239TH ST and 142ND Ave mark 15-foot radius around Pole # 19844. Then mark east across 142<sup>nd</sup> Ave approx. 60 feet then mark south approx. 500 feet staying on the east side of 142<sup>nd</sup> Ave. Also, mark the entire curb line of the new subdivision to the east.*

The Locator failed to mark the entire curb line of the new subdivision to the east as described in the ticket. The damage caused by Prairie occurred 11 feet from the curb line, outside the scope of the ticket.

Staff believes the original penalty assessment for the second violation should be upheld based on consideration of the following factors:

Respect. Professionalism. Integrity. Accountability.

1. **Whether the company demonstrates that the facts considered by the Commission underlying the assessment were incorrect or do not support the penalty assessed.** Prairie did not demonstrate that the Commission's Penalty Assessment was incorrect. The information provided in Prairie's contest is that Prairie assumed it was completing locate request accurately. Prairie believed that the damage was due to the Locator failing to accurately perform the locate. However, staff's investigation determined the damage was outside of the ticket scope defined in ticket #21280111 and 11 feet from the curb line.
2. **Whether the company demonstrates that information or factors exist that the Commission may not have considered.** Prairie asserted it had submitted locate requests in the past using the same wording and therefore believed the locate requests were adequate. Prairie stated a commitment to address more specific locate requests in the future.
3. **Whether the company explains other circumstances that convince the Commission that this violation did not occur or that a lesser penalty will be equally effective in ensuring compliance.** Prairie did not explain any other circumstances to support that the violation did not occur. The Company did not provide any additional information to support that they had a valid locate ticket for this location, or that the location of the damage should have been considered within the scope of the ticket. Given that the Commission previously issued Prairie Electric two (2) Penalty Assessments of \$2,500, and one warning letter, Staff determined that the recommended penalty was fair and necessary given the circumstances of the violation.

If you have any questions, please contact Joice Hagen at (360) 664-1321, or by email at [Joice.Hagen@utc.wa.gov](mailto:Joice.Hagen@utc.wa.gov).

Sincerely,

Sean C. Mayo, Director  
Pipeline Safety