

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT D-210811, Investigation #8468

**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 \$5,000 in payment of the penalties.

2. **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 provided above.

3. **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 provided 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: 12-7-21 [Month/Day/Year], at TACOMA, WA [City, State]

CenturyLink  
Name of Respondent (Company) – please print

  
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.”

We request of the Commission to consider this case and evaluate whether there is merit for mitigation based on mitigating circumstances. We recognize that the service drop was not located, and it did take some time to get that remedied however, we have worked to tighten up the process of getting our plant located when faced with situations where there are facilities that do not show up as being in the dig area therefore filtered out of the locate process.

I think we can all agree that we will never achieve 100% accuracy on these types of things, but the spirit of the Dig Law is that we all do our best and work together for everyone to be safe. Lumen's part of that is to make sure that we have our facilities located accurately within the required timeframe and the excavator's part is to not dig without locates, pay attention to, and maintain those locates throughout the duration of their project.

We all fall short of the expectations from time to time and even the expectations we have on ourselves for that matter. We and our locators don't and neither do the contractors. As explained in the hearing, this neighborhood is completely aerial not requiring dig locates. Based on our internal team's best information there was no need for a Lumen locator to go out and locate our plant, therefore they didn't. It was not until we were made aware that we did indeed have a service drop present that we worked through the existing process at the time to get locates done.

In this situation I can tell you that this was not negligence or a lack of care rather a process that made it difficult to move through that created increased frustration on InfraSource's part, which I can understand, however the process has been addressed company wide and there is a toll free number that goes to an internal Lumen / CenturyLink team that is manned 24X7 that an excavator can call directly or a Lumen / CenturyLink employee can call to get a location added to a ticket in the event that something falls through the cracks as it did on this particular dig ticket.

This will not guarantee that we never miss a cable but accurate locates do not always guarantee the excavator doesn't hit our cables either.

I believe that Lumen / CenturyLink is actively working to shore up the challenges when they are identified and would hope that those efforts would be recognized and a reduction in the fine be considered.

Thank you for your time and consideration,

Gene Reed