



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop SE • Lacey, Washington 98503

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September 23, 2020

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

RE: *Washington Utilities and Transportation Commission v. Steve Ruhnke Construction, Inc.*  
Commission Staff's Second Response to Contest of Violations  
Docket DG-200422

Dear Mr. Johnson:

On August 20, 2020, the Washington Utilities and Transportation Commission (Commission) issued a \$5,000 penalty against Steve Ruhnke Construction, Inc. (Steve Ruhnke Construction or Company) for a violation of RCW 19.122.055, that occurred on October 31, 2019.

This violation was for damage to an underground natural gas facility on October 31, 2019, that occurred at 4804 240<sup>th</sup> Pl SE, Sammamish, Washington, because the Company failed to provide the required notice to facility operators through the one-call utility locator service as required before excavating and subsequently causing damage to an underground natural gas facility.

On August 27, 2020, the Company responded to the Commission's penalty assessment and contested the violation, stating that the Company has not performed work at the location, and did not provide any additional supporting information or documentation.

On September 3, 2020, Staff filed a response to the Company's denial of the violation and cited evidence including the Company's utility locate request history at the site prior to and after the damage incident, and reports made at the time of the damage incident by Puget Sound Energy (PSE) that stated Steve Ruhnke Construction was responsible for the damage incident.

On September 9, 2020, the Company emailed staff, stating the Company was not on the job, that SRC Land Development INC caused the damage incident, and provided a name and phone number of the job foreman. The Company also stated that PSE incorrectly sent an invoice for repairs to Steve Ruhnke Construction and stated that SRC Land Development, INC would pay the bill. The Company also stated that it spoke with PSE claims, who agreed to re-bill the repairs to SRC Land Development INC.

Staff followed up with this information and attempted to call the foreman at the phone number provided on September 9, 2020. Staff discovered the phone number was no longer in service, so could not verify the

information provided by Steve Ruhnke Construction. Additionally, Staff contacted PSE claims on September 9, 2020, and learned that Steve Ruhnke Construction was treble billed for the damage and paid the bill in full on December 26, 2019. PSE claims also informed staff that a new note had been entered into their system on September 9, 2020, regarding the bill for the damage, stating that PSE claims received a call that day from somebody who asked that the bill be updated and put into the name of SRC Land Development INC instead of Steve Ruhnke Construction.

Staff also obtained information from the Washington Department of Revenue (DOR) and Labor & Industries (L&I) websites, and found that while Steve Ruhnke Construction and SRC Land Development, INC have different Washington Unified Business Identifiers, both companies share the same business address, phone number, and president, Steven Edward Ruhnke.

Finally, the one-call dig ticket database does not have record of a request made in 2019 for the excavation site by SRC Land Development, INC, prior to December 2, 2019, 33 days after the damage incident. The database does indicate, however, that Steve Ruhnke Construction submitted five utility locate requests for the address of the damage incident in 2019 prior to the damage incident, as well as one request on the date of the damage incident.

Staff believes that considering the additional information gathered regarding this damage incident, the evidence still indicates that Steve Ruhnke Construction is responsible for the damage incident, and that the penalty was appropriately assessed against the Company.

If you have any questions, please contact Steve Davidson, Compliance Investigator, Pipeline Safety and Damage Prevention, at (360) 664-1321, or by email at [steve.davidson@utc.wa.gov](mailto:steve.davidson@utc.wa.gov).

Sincerely,

Sean C. Mayo, Director  
Pipeline Safety