

Service Date: February 2, 2026

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: DG-260013

PENALTY AMOUNT: \$1,000

Investigation # 9249

EMAIL SERVICE

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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Olympia Communications, LLC (Olympia Communications or Company) violated Revised Code of Washington (RCW) RCW 19.122.040(2)(e) by failing to use reasonable care to avoid damaging underground facilities when directional boring by not properly potholing and physically locating the gas facility.

RCW 19.122.040(2)(e) states, in part, that an excavator shall use reasonable care to avoid damaging underground facilities when directional boring will be implemented as a method of underground excavation, supplement white lining with physical exposure to avoid blind boring.

RCW 19.122.055(3) states, in part, that excavators who violate any provision of this chapter, but does not cause damage to an underground gas facility are subject to a civil penalty of not more than \$5,000 for each violation.

On December 16, 2025, Staff received complaint #28 from NW Natural (NWN or Complainant) alleging Olympia Communications violated RCW 19.122.040(2)(e) which occurred on September 18, 2025.

Commission staff (Staff) conducted an investigation that included reviewing damage reports, investigation reports, the One Call Center database, and communications with the Company. The documents reviewed identified a natural gas event that involved Olympia Communications damaging a natural gas facility while excavating without a valid locate ticket.

The Commission reviewed findings and recommendations made by Staff and hereby notifies you that it is assessing a \$1,000 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation:**

On September 18, 2025, Olympia Communications was excavating at 1701 Southeast 163rd Avenue, Vancouver, Washington. While excavating, Olympia Communications failed to physically expose a gas main to avoid blind boring. Complaint #28 submitted by NWN on December 16, 2025, indicated that Olympia Communications failed to pothole, blind bored across a 1 1/4" polyethylene (PE) gas main and did not monitor its drill head as it passed through the tolerance zone.

2. **Analysis:**

The alleged violation concerns RCW 19.122.040(2)(e), which states, in part, that an excavator shall use reasonable care to avoid damaging underground facilities when directional boring will be implemented as a method of underground excavation, supplement white lining with physical exposure to avoid blind boring.

On December 30, 2025, NWN responded to Staff's request for information and provided the photographs documenting that Olympia Communications was directional drilling within the tolerance zone of a 1 1/4" PE gas main without potholing the gas utility. On January 7, 2026, Staff spoke with NWN Damage Prevention Specialist Adam Jenson (Jenson) regarding the photographs provided. Staff shared the picture documenting the drill bore path, the location of the 1 1/4" PE gas main, and people in the background. Jenson explained that the photograph showed the PE gas main was not exposed, even though boring had commenced. The picture documented that the PE gas main ran parallel to the bore path. When Staff advised Jenson that the Company was denying that it had been on-scene, Jenson stated that he personally spoke with the owner of Olympia Communications, Angel Hinojoza (Hinojoza). Jenson also identified the male wearing the hat in the picture as Efren Gonzalez, who was the Ziplly Fiber representative overseeing the activity. Jenson can provide any contact information if needed.

On January 6, 2026, the Company responded to Staff's request for information and denied that it was at any other location, noted that it does not drill without potholing, and provided evidence of pictures that were sent to document that the Company does not do any drilling without potholing. The Company did confirm that it will always try to keep a minimum of 12 inches clearance from any utility. Olympia Communications provided photographs from a prior complaint (#27); however, the date and time stamp show a different date and address than what was identified in the complaint.

Staff searched the Washington One Call Center database and confirmed that Olympia Communication (Angel Hinojoza) had a valid ticket (#25376041) for SE 163rd Avenue and SE 18th Circle, Vancouver, Washington. This ticket includes the event address of 1701 Southeast 163rd Avenue confirms that Olympia Communications was working in that area.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**
This event could have been harmful to Company workers, utility technicians, nearby homeowners, and the public, and could have resulted in serious injury and loss of property.
2. **Whether the violation is intentional.**
This violation appears to be due to negligence by Olympia Communications rather than a lack of knowledge regarding Washington State's dig law. Since January 8, 2025, Olympia Communications has submitted 66 requests to locate underground facilities in Washington. This demonstrates the Companies knowledge of requirements and its responsibility to comply with the Dig Law.
3. **Whether the company self-reported the violation.**
Olympia Communications was not required to self-report the violation as no damage occurred. The Commission became aware of the violation when NWN filed a complaint with the Commission. Pursuant to RCW 19.122.053(1), only damage events must be reported to the Commission.
4. **The likelihood of recurrence.**
The likelihood of recurrence depends on the Company's actions going forward and its willingness to follow the Washington state Dig Law.

The Commission has considered these factors and determined that it should penalize Olympia Communications as follows:

- \$1,000 penalty for one violation of RCW 19.122.055(1)(a) with an offer to suspend an \$800 portion of the penalty for 90 days, and then waive it, subject to the conditions that:
 - 1) Company management and field crew responsible for excavation complete Dig Safe Training provided through the National Utility Contractors Association (NUCA) within 90 days of this Penalty Assessment; and
 - 2) The Company must submit documentation of training completion to the Commission.

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

You must act within 15 days after receiving this Penalty Assessment to do one of the following:

- Pay the \$1,000 penalty amount due; or
- Pay \$200 and notify the Commission that you accept the offer to suspend an \$800 portion of the penalty amount for 90 days, and then waive it, subject to the following conditions:
 - Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
 - The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**); or
- Contest the occurrence of the violation; or
- Admit the violation but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to records@utc.wa.gov. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).¹

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective February 2, 2026.

/s/Connor Thompson
CONNOR THOMPSON
Director, Administrative Law Division

¹ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-260013 Investigation # 9249

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, 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:
 [] Enclose \$1,000 in payment of the penalty.
 OR [] Attest that I have paid the penalty in full through the Commission's payment portal.
- [] 2. **Accept conditions.** I admit that the violation occurred and enclose \$200 toward the payment of the penalty. I also accept the Commission's offer to suspend for 90 days, and ultimately waive, the remaining \$800 penalty amount subject to the following conditions:
- o Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
 - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).
- [] 3. **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.
- [] 4. **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: _____ [Month/Day/Year], at _____ [City, State]

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 or she makes a materially false statement which he or she 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 or her 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.