

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: DG-260184

PENALTY AMOUNT: \$1,000

Investigation # 9285

EMAIL SERVICE

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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that True Scapes, LLC d/b/a True Scape Design (True Scape or Company) violated Revised Code of Washington (RCW) 19.122.030(2) by failing to provide notice to a one-number locator service not less than two full business days and not more than 10 full business days before the scheduled work-to-begin date.

RCW 19.122.055(1)(a) states, in part, that any excavators who violate any provision of this chapter and causes damage to an underground gas facility are subject to a civil penalty of not more than \$25,000 for each violation.

On February 19, 2026, Puget Sound Energy (PSE) submitted to the commission a 30-day report of an incident involving True Scape damaging a natural gas facility that occurred on January 21, 2026. Commission staff (Staff) conducted an investigation that included reviewing the incident, damage reports, photographs, the one Call Center database, and email communications with the Company and PSE. The investigation identified a natural gas damage event that involved True Scape.

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 January 21, 2026, True Scape was excavating at 1508 7th Place South, Edmonds, Washington. The 30-day report submitted by PSE on February 19, 2026, indicated that True Scape was excavating outside the locate area and severed a 5/8" polyethylene (PE) gas line.

2. **Analysis:**

The alleged violation concerns RCW 19.122.030(2), which states, in part, that an excavator must provide notice to a one-number locator service not less than two full business days

and not more than 10 full business days before the scheduled work-to-begin date, unless otherwise agreed by the excavator and facility operators in writing.

PSE provided the Gas First Responder report (GFR) that documented True Scape was conducting fencing and landscaping work at 745 15th Way SE. True Scape was cutting a bit of root out of the way on the other side of the property line and severed a 5/8" PE gas line with a Sawzall. The GFR noted that the Company was digging outside the locate ticket at 1508 7th Place South. The ELM report confirmed that True Scape was excavating outside the work area on ticket #25539329 at 745 15th Way Southwest. The Company crossed the property line to 1508 7th Place South and used a Sawzall to cut through a root, severing the gas service beneath it. PSE's response and the ELM report included photographs documenting that the Company was excavating on the neighbor's property, which is outside the scope of the ticket.

Staff spoke with Milo Hegamin (Hegamin), who lives at 1508 7th Place South, Edmonds, Washington. On the day of the incident (January 21, 2026), Hegamin spoke with the foreman at True Scape and discussed the situation regarding the roots of a very large tree that had grown onto his side of the property. Hegamin informed True Scape that the Company did not need to worry about removing the roots on his side of the property; he would take care of it. Hegamin had a dig ticket (#26021162) that was going to become active the day after the strike. Three hours after speaking with the foreman Hegamin received a knock at the door informing him that the line had been hit. Hegamin and his elderly mother (who uses a walker) had to evacuate the house for six hours while PSE fixed the gas line, and the home aired out. Hegamin provided a summary of the event and photographs documenting that the Company had excavated on his property.

True Scape provided Staff with a response and documented that the locate ticket clearly requested marking of the entire property. The ticket noted the area was white lined, and PSE gave a positive response that the locate was complete. The Company claimed that despite PSE's positive response, a gas facility serving the neighboring residence in the rear/boundary was not marked or disclosed before the strike. True Scape believes that if PSE owned a gas line that ran directly adjacent to or through the excavation area identified in the notice, then PSE had a duty under RCW 19.122.030 to mark that locatable facility or provide available information if it contends the line was unlocatable. The 24-inch tolerance zone concept reinforces why a reasonable locator could not ignore a gas line immediately bordering the requested excavation area, even though that concept does not, in itself, create the marking duty. The Company referred to Common Ground Alliance (CGA) Best Practice 4-8, which calls for markings to match field conditions and to extend a reasonable distance beyond the requested area. The Company believes that a locate that appears to have left the rear-area gas facility unaddressed was incomplete and unreasonable. True Scape provided a link to the ArcGIS Map to document the site's physical conditions showing that the proximity creates a condition in which utilities serving the neighbor would reasonably be expected to be present directly along the boundary area. Upon learning of the strike, the Company took proactive steps to conduct an internal review, and all staff connected to the incident attended Dig Safe training, which was included with its response. True Scape noted that no employee will participate in excavation-related tasks or

be assigned to a job site where excavation is occurring until Dig Safe Training takes place and all future new hires will be required to take the training as part of onboarding.

CGA provides guidance on industry standards, and the Terms and Conditions of Use notes that CGA Best Practices are presented as a general guide. CGA encourages all users to consult and consider not only CGA but (i) employer practices, (ii) industry practices, (iii) federal and state statutes and regulations, (iv) building and fire codes, and (v) local laws, regulations, and ordinances. The Company's locate ticket noted that it would be excavating at 745 15th Way SE, and the property was white lined. The ticket did not indicate that excavation would be extending into the neighboring yard. As such, True Scape was excavating at 1508 7th Place South without a valid locate ticket

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 incident 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 True Scape rather than a lack of knowledge regarding Washington State's dig law. Since March 25, 2026, True Scape has submitted 11 requests to locate underground facilities in Washington. This demonstrates the Company's knowledge of the requirements and its responsibility to comply with the Dig Law.
3. **Whether the company self-reported the violation.**
True Scape did not self-report the violation. The Commission received a 30-day Incident Report as required by WAC 480-93-200(4) from PSE on February 19, 2026, concerning an incident that occurred on January 21, 2026.
4. **The likelihood of recurrence.**
The likelihood of recurrence depends on the Company's actions going forward and its willingness to notify the one-call locator service every time prior to excavation.
5. **The Company's previous violations and penalties.**
The Company has no previous penalties for violating chapter 19.122 RCW.

The Commission has considered these factors and determined that it should penalize True Scapes, LLC as follows:

- \$1,000 penalty for one violation of RCW 19.122.030(2) 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 must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and

- 2) The Company must submit documentation of training completion to the Commission's web portal at <https://efiling.utc.wa.gov/Form>.

Further violation of chapter 19.122 RCW 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 April 14, 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-260184 Investigation # 9285

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 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.