



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
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January 26, 2016

**NOTICE ACCEPTING LATE RESPONSE TO PENALTY ASSESSMENT**

RE: *Washington Utilities and Transportation Commission v. Roy Murphy*  
Docket D-150571

TO ALL PARTIES:

On August 10, 2015, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment D-150571 against Roy Murphy in the amount of \$1,000, alleging one violation of RCW 19.122.030(1)(a). The Penalty Assessment notified Mr. Murphy that he must respond within 15 days of the date the Penalty Assessment was received and select one of four options: pay the penalty, contest the violation, request mitigation, or attend training. Parties who elect to attend training agree to pay a \$200 portion of the penalty, attend the National Utility Contractors Association “Dig Safe” training (Dig Safe training) within 90 days, and commit no further violations of RCW 19.122.030(1)(a) within the next 12 months. Provided each of those conditions are met, the remaining \$800 portion of the penalty is waived.

On September 30, 2015, Mr. Murphy filed an application for mitigation, requesting to attend training and pay the \$200 penalty. Mr. Murphy acknowledged his response was late, but stated he did not receive a copy of the Penalty Assessment and was unaware of the requirement to respond within 15 days. Mr. Murphy also stated he plans to attend Dig Safe training and has contacted Commission staff (Staff) to confirm the training date.

On November 23, 2015, Staff filed a Response recommending the Commission accept Mr. Murphy’s late response and grant his request. Staff explained that it believes Mr. Murphy intends to comply with RCW 19.122 going forward.

The Commission agrees with Staff's recommendation and will accept Mr. Murphy's late response to the Penalty Assessment. The Commission's ultimate goal is compliance, and allowing Mr. Murphy to attend Dig Safe training in exchange for a reduced penalty conditioned on future compliance will best further that goal. Accordingly, Mr. Murphy must pay the \$200 penalty **by 5:00 p.m. on Monday, February 9, 2016**. Mr. Murphy must also attend Dig Safe training within 90 days of the date of this Notice, and provide documentation of his attendance within five days of completion.

**THE COMMISSION GIVES NOTICE That the Commission accepts Roy Murphy's late response to Penalty Assessment D-150571. An \$800 portion of the penalty will be suspended subject to the following conditions: 1) Roy Murphy must pay the \$200 reduced penalty by 5:00 p.m. on Monday, February 9, 2016; 2) Roy Murphy must attend Dig Safe training within 90 days of the date of this Notice and provide documentation of his attendance within five days of completing the training; and 3) Roy Murphy must commit no further violations of RCW 19.122.030(1)(a) within one year of the date of the Penalty Assessment. If each of these conditions are met, the Commission will waive the suspended portion of the penalty. If Roy Murphy fails to meet any of these conditions, the entire \$1,000 penalty will become due and payable.**

STEVEN V. KING  
Executive Director and Secretary