



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop SE, P.O. Box 47250 • Lacey, Washington 98503

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November 12, 2019

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. Creasey Bulldozing*
Commission Staff's Response to Application for Mitigation of Penalties
Docket DG-190738

Dear Mr. Johnson:

On October 8, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Creasey Bulldozing (Company) in the amount of \$1,000 for a violation of RCW 19.122.030(2), as follows:

- **\$1,000 penalty for the violation of RCW 19.122.030(2) that occurred on April 17, 2019.**

This violation was for damage to an underground natural gas facility on April 17, 2019, that occurred because the Company failed to provide notice to facility operators through the one-call utility locator service as required before excavating. Creasey Bulldozing's failure to notify the one-call locator service resulted in it pulling and severing a 1 1/8" service line buried in the customer's front yard.

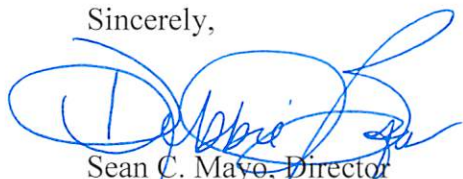
On October 24, 2019, the Company responded to the Commission's penalty assessment by admitting the violation and requesting mitigation because "The property owner and developer Sean Wilson told me that he had called in the locates and to proceed with work."

RCW 19.122 is clear in its requirements that the excavator is responsible for notifying 811 before excavating, and authorizes the Commission to assess a penalty up to \$10,000 if an excavator fails to provide the required notice and causes damage to a natural gas or hazardous liquid underground facility. The Company requested mitigation of its \$1,000 penalty amount, noting that it believed a utility locate request had been submitted by the property owner. Had a request been called in by the property owner, the Company would still be in violation, as RCW 19.122 requires each excavator to submit its own utility locate request before excavating. Because Creasey Bulldozing has not been penalized previously by the Commission, the penalty amount recommended was \$1,000, which is the typical penalty amount assessed in these circumstances. For these reasons, Staff believes that the penalty amount assessed is appropriate and

that the Commission should deny Company's request for mitigation of the penalty based on the reasons it provided.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean C. Mayo", with a large, stylized flourish extending from the end of the signature.

Sean C. Mayo, Director
Pipeline Safety