

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

**RECEIVED  
RECORDS MANAGEMENT**

**JAN 06 2020**

**STATE OF WASH.  
UTIL. & TRANSP. COMMISSION**

PENALTY ASSESSMENT: DG-190887

PENALTY AMOUNT: \$1,000

Investigation # 8099

UBI: 601-524-460

Phone: (206) 762-5401

Active Environmental, Inc.  
P.O. Box 81244  
Seattle, WA 98108

The Washington Utilities and Transportation Commission (Commission) believes that Active Environmental, Inc., (Active Environmental of Company) has violated Revised Code of Washington (RCW) 19.122.030(2) by failing to provide the required notice to facility operators through a one-number locator service before excavating. RCW 19.122.055 states, in part, that any excavator who fails to notify a one-number locator service and causes damage to an underground hazardous liquid or gas facility is subject to a civil penalty of not more than \$10,000 for each violation.

Commission staff (Staff) conducted an investigation that included reviewing damage reports submitted by Puget Sound Energy (PSE) that identified a natural gas damage event caused by Active Environmental. Accordingly, the Commission hereby notifies you that it is assessing a \$1,000 penalty against the Company on the following grounds:

On November 21, 2017, the Commission mailed an Alleged Violation of Washington Dig Law letter to Active Environmental. The letter included detailed information about Washington state's underground utility damage prevention act, requirements for submitting utility locate requests before excavating, and the possibility of penalties for each violation. The Commission mailed the letter after receiving a report of damage caused by Active Environmental on September 19, 2017, which occurred because the Company failed to submit a request to locate underground utilities before excavating.

On June 4, 2019, Active Environmental was doing sidewalk work at 438 39th Ave E, Seattle, Washington. While working, Active Environmental employees damaged an underground PSE gas facility. The Damage Information Reporting Tool report submitted by PSE on July 12, 2019, indicated that Active Environmental was working without a valid request to locate underground utilities. Staff's subsequent investigation found that the Company did not have a valid dig ticket for the work done at the site that day.

Staff recommends the Commission assess a \$1,000 penalty against Active Environmental for one violation of RCW 19.122.030(2) for failing to provide the required notice to a one-number locator service before excavating, as follows:

- Company field crew responsible for excavation, including management, attend Dig Safe training provided through NUCA within twelve (12) months of the date of this Notice; and
- **Submit documentation of attendance to the Commission within five (5) days of attending the training;** and
- Commit no further violations of RCW 19.122 within 12 months of the date of this Notice; or
- Request a hearing to contest the occurrence of the violation; or
- Request mitigation to reduce the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Lacey, Washington, and effective November 12, 2019.

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT DG-190887, Investigation # 8099

**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, am 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 and enclose \$1,000 in payment of the penalty.
2. **Accept conditions.** I admit that the violation occurred and accept the Commission's offer to suspend, and ultimately waive, the entire \$1,000 penalty amount subject to the following conditions:
- Company employees, including ownership and field crew involved in excavations, attend Dig Safe training provided through NUCA within twelve (12) months of this Notice; and
  - Submit documentation of that attendance to the Commission **within five (5) days** of attending the training; and
  - Commit no further violations of RCW 19.122 within twelve (12) months of the date of this Notice.
3. **Contest the violation.** I believe that the alleged violation(s) 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: 01/03/2020 [Month/Day/Year], at Seattle, WA [City, State]

Active Environmental Inc.  
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 makes a materially false statement which he 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 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.”