



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
621 Woodland Square Loop SE, P.O. Box 47250 • Lacey, Washington 98503  
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June 13, 2022

Service Date: June 13, 2022

Amanda Maxwell, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Avista Corporation*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket D-220230

Dear Ms. Maxwell:

On May 26, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Avista Corporation (Avista or Company) of \$5,000 for a violation of RCW 19.122.030(3)(a) as follows:

- \$5,000 penalty for the violation of RCW 19.122.030(3)(a) that occurred on December 29, 2021.

This violation notice is from an incident that was reviewed by the Washington State Dig Law Safety Committee (Committee) on March 30, 2022. The incident occurred because Avista failed to provide an excavator with reasonably accurate information by marking its facilities. The Committee reviewed the case and determined Avista violated RCW 19.122.030(3)(a) and recommended a \$5,000 penalty be assessed. The Commission reviewed the case, agreed with the recommendation, and issued a \$5,000 Penalty Assessment against Avista on May 26, 2022.

In its letter to the Commission requesting mitigation, Avista explained that it recognizes it was found responsible for the violation occurring but it believes that M & L (Complainant) is partially responsible. Avista explains that M & L is frequently difficult to communicate with, confusing in their locate requests, and inconsistent in their large tickets and phasing projects. These things have created significant barriers to completing tickets on time and with accuracy. Avista further explains there is a well-documented history of tension and confusion between Avista and M & L.

In the mitigation request, Avista did not introduce any new information or supporting evidence different from what was presented previously to the Committee. During the review and in its letter, Avista did not provide any information on how it plans to improve its interactions with M & L. Staff believes it would be beneficial for Avista to focus its efforts on mediation and cooperation with M & L instead of continuing to project the occurrence of this case or other violations onto the complainant for being difficult to interact with. It is the underlying responsibility of the Facility Operator to ensure locates are applied timely and

accurately. If Avista believes M & L or any other excavator has violated any conditions of RCW 19.122 it can and should submit this information as a complaint to the WA State Dig Law Safety Committee for review.

It is a priority of the Commission to protect the public by increasing knowledge of, and compliance with RCW 19.122. Utility operators have an obligation, for the safety of all parties and the public, to conduct locates within the timeframe and with accuracy as defined under the law. Over the past 24 months, Avista has been penalized by the Commission on six occasions for violations of RCW 19.122. Staff is concerned that Avista has not implemented a sufficient process or plan to effectively reduce the risk of reoccurrence of violations. Staff recommends that the Commission deny Avista's request and uphold the original penalty amount as issued in the Notice.

If you have any questions, please contact Joice Hagen, Compliance Investigator, Pipeline Safety and Damage Prevention, at (360) 664-1321, or by email at [Joice.Hagen@utc.wa.gov](mailto:Joice.Hagen@utc.wa.gov).

Sincerely,

Sean C. Mayo, Director  
Pipeline Safety