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Service Date: June 4, 2026

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

Received
Records Management
Jun 10, 2026

PENALTY ASSESSMENT: DG-260356
PENALTY AMOUNT: $5,000
Investigation # 9267

EMAIL SERVICE

UBI: 179-010-055

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Puget Sound Energy
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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Puget Sound Energy (PSE or Company) violated Revised Code of Washington (RCW) 19.122.030(4)(a) by failing to provide information to an excavator as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

On April 8, 2026, the Dig Law Safety Committee forwarded a complaint filed by Berg's Landscaping (Berg's or Complainant) alleging PSE violated RCW 19.122.030(4)(a). This complaint was entered by Commission Staff (Staff) as complaint #44. Staff conducted an investigation that included reviewing the complaint, documents, emails, and the One Call Center database. The investigation identified a natural gas event that involved PSE.

RCW 19.122.030(4)(a) states in part, that a facility operator must provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

RCW 19.122.055(3) states, in part, that any excavators who violate any provision of this chapter but does not cause damage to an underground gas facility are subject to a civil penalty of not more than $5,000 for each violation.

The Commission reviewed findings and recommendations made by Staff and hereby notifies you that it is assessing a $5,000 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation:**
   On March 23, 2026, Berg's requested locate ticket #26116906 to begin excavation on March 26, 2026, at 19912 105th Place Northeast, Bothell, Washington. Complaint #44 indicated that PSE failed to locate its underground facilities until April 7, 2026.

2. **Analysis:**

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The alleged violation concerns RCW 19.122.030(4)(a) states in part, that a facility operator must provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

Berg's complaint documented that after the Complainant requested locate ticket #26116906 on March 23, 2026, it received numerous calls from March 26, 2026, until April 7, 2026, requesting an extension of the locate by an additional two business days. Berg's noted that it had been more than two weeks since submitting the ticket, and PSE had not marked the gas line. In an email from Berg's on April 13, 2026, the Complainant documented that it had received four phone calls from PSE requesting an extension of the ticket by an additional two business days.

On May 7, 2026, PSE responded to Staff's request for information and documented that ELM had admitted that they were late to respond to the ticket request. PSE provided a breakdown of ELM's timeline for Berg's ticket activity. The timeline confirmed that the locate ticket was assigned to the ELM technician on March 25, 2026. The timeline also noted that it made numerous calls to the Company, and the positive response was five business days, or eight calendar days late.

Staff searched Washington One Call and confirmed that Berg's had requested a locate ticket (#26116906) on March 23, 2026, for 19912 105th Place Northeast, Bothell, Washington, with a work-to-begin date of March 26, 2026. The ticket's status history shows it was marked complete on April 7, 2026.

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.**
   Failure to comply with the Washington Dig Laws can result in serious injury and property loss.

2. **Whether the violation is intentional.**
   The violation appears to be due to negligence by PSE's locators. PSE has been penalized by the Commission on 12 occasions for violations of RCW 19.122. PSE is aware of the requirements to comply with the Dig Law but continues to have violations involving its locating practices.

3. **Whether the company self-reported the violation.**
   Puget Sound Energy was not required to self-report the violation as no damage occurred. The Commission became aware of the violation when Berg's Landscaping filed a complaint with the Commission. Pursuant to RCW 19.122.053(1), only damage events must be reported to the Commission.

4. **The likelihood of recurrence.**
   The likelihood of recurrence depends on the Company's actions going forward and its ability to locate underground facilities as required by Washington State's Dig Law.

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5. **The Company's previous violations and penalties.**
Since the beginning of 2017, PSE has received penalty assessments for violation of 19.122 on 12 occasions.

- **Warning Letter**
On July 15, 2019, the Commission mailed an Alleged Violation of Washington Dig Law letter to PSE. The letter included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for facility operators to respond to One Call Center locate requests; and the requirement for providing the excavator with reasonably accurate information by marking the location of locatable underground facilities.
- **Penalty Assessments**

	Docket Number	Date of Penalty Assessment	Amount of Penalty	RCW Violation
1.	D-161231	01-18-17	$2,000	19.122.030(3)(a)
2	D-210500	09-13-21	$5,000	19.122.030(3)(a)
3.	D-200813	03-24-21	$5,000	19.122.030(3)(a)
4.	D-210358	06-24-21	$5,000	19.122.030(3)(a)
5.	D-210732	11-03-21	$5,000	19.122.030(3)(a)
6.	D-210873	12-08-21	$10,000	19.122.030(3)(a)
7.	D-220826	01-04-23	$5,000	19.122.030(3)(a)
8.	D-240568	08-12-24	$5,000	19.122.030(4)(a)
9.	D-250752	10-17-25	$5,000	19.122.030(3)(a)
10.	D-250973	02-02-26	$5,000	19.122.030(3)(a)(i)
11.	DG-260071	02-24-26	$5,000	19.122.030(3)(a)(i)
12	DG-260293	05-07-26	$7,500	19.122.030(4)(a)

The Commission has considered these factors and determined that it should penalize Puget Sound Energy as follows:

- $5,000 penalty for one violation of RCW 19.122.030(4)(a).

Further violation of RCW 19.122 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.

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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 $5,000 penalty amount due; 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 June 4, 2026.

/s/*Connor Thompson*
CONNOR THOMPSON
Director, Administrative Law Division

[1] https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now.

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT DG-260356 Investigation # 9267

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:

[x] 1. **Payment of penalty.** I admit that the violation occurred:
[x] Enclose $5,000 in payment of the penalty.
OR [ ] Attest that I have paid the penalty through the Commission's payment portal.

[ ] 2. **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.

[ ] 3. **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: 6/8/2026 06/08/2026 [Month/Day/Year], at Bellevue, WA [City, State]

Puget Sound Energy
Name of Respondent (Company) – please print

DocuSigned by: Michelle Vargo F7F082A7A8FA477...
Signature of Applicant

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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.