



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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September 23, 2019

**NOTICE RESCINDING PENALTY AND REFERRING MATTER TO ATTORNEY
GENERAL FOR ENFORCEMENT**

RE: *In the Matter of the Penalty Assessment Against Snohomish County PUD,*
Docket D-190758

On September 18, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment (Penalty Assessment) against Snohomish County PUD (SnoPUD) in the amount of \$11,000 for three violations of Revised Code of Washington (RCW) 19.122.030(3)(a) by failing to provide reasonably accurate information as to the location of underground utilities within two business days of receipt of an excavator's utility locate request.

According to RCW 19.122.140(2), the Commission lacks jurisdiction to issue a penalty in this matter. RCW 19.122.140(2) states that:

If . . . a violation has likely been committed by a person who is not subject to regulation by the commission, and in which the underground facility involved is also not subject to regulation by the commission, the commission may refer the matter to the attorney general for enforcement of a civil penalty . . .

SnoPUD is not subject to regulation by the Commission. The underground facilities in question belong to SnoPUD, and SnoPUD committed the violation for which the penalty was issued. Therefore, the Commission rescinds the Penalty Assessment and will refer the matter, by separate letter, to the attorney general for enforcement.

THE COMMISSION GIVES NOTICE That the Commission rescinds the Penalty Assessment in docket D-190758, and will refer the violation to the attorney general by separate letter to take enforcement action.

MARK L. JOHNSON
Executive Director and Secretary