

July 20, 2018

Utilities & Transportation Commission

P.O. Box 47250

Olympia, WA 98504

Attn: Mark Johnson

Reference #: D-180474

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RECORDS MANAGEMENT
2018 JUL 26 AM 8:37
STATE OF WASHINGTON
UTIL. AND TRANSPORTATION
COMMISSION

Dear Mr. Johnson:

I received a penalty in the mail for Builders Supply, Inc. in reference to the violations of the Washington State Dig Law, Case Numbers 18-021 thru 024, Puget Sound Energy vs. Builders Supply.

It is stated in the letter that Builders Supply needed to respond within 15 days. During this time period, my uncle passed away suddenly and I was the person in charge that needed to take care of all of his personal affairs and I closed my company, Builders Supply, I am no longer the owner.

I am very sorry this date slipped by. I am accepting the conditions, but I am asking if I can just pay the \$6,000.00 that I owe for the violations right now? I will be signing up for the NUCA Dig Safe Training this week and when completed, I will send all of the documentation right away to the Commission.

I look forward to hearing from you and hope you understand my circumstances.

Thank you,



Kevin Hager

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT D-180474

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 violations occurred and enclose \$16,000 in payment of the penalty.

2. **Accept conditions.** I admit that the violations occurred and enclose \$10,000 toward the payment of the penalty. I also accept the Commission's offer to suspend, and ultimately waive, the remaining \$6,000 penalty amount subject to the conditions that the owner and field supervisors of Builder's Supply complete NUCA Dig Safe Training within four months of the issuance of this penalty assessment; 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 the next 12 months

3. **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.

4. **Request mitigation.** I admit the violations, 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: 7/20/18 [Month/Day/Year], at Woodinville, WA [City, State]

Kevin Hager
Name of Respondent (company) – please print

(K)
Signature of Applicant

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Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request.

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(s) 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 his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the \$16,000 amount due; or
- Pay \$10,000 of the total penalty and notify the Commission that you accept the offer to suspend, and ultimately waive, the remaining \$6,000 penalty subject to the conditions that the owners and field supervisors of Builder's Supply complete NUCA Dig Safe Training within four months of the date of this Penalty Assessment; 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 the next 12 months; or
- Request a hearing to contest the occurrence of any or all of the violation; or
- Request mitigation to reduce the amount of the penalty.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal **within FIFTEEN (15) days** after you receive this notice. 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, Post Office Box 47250, Olympia, Washington 98504-7250.

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 Olympia, Washington, and effective June 18, 2018.

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