



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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May 13, 2020

RE: *In the Matter of the Penalty Assessment Against Mega D Excavation in the Amount of \$2,000, Docket DG-190058*

TO ALL PARTIES:

On March 13, 2019, the Washington Utilities and Transportation Commission (Commission) assessed a \$2,000 penalty (Penalty Assessment) against Mega D Excavation (Mega D or Company) for two violations of Revised Code of Washington (RCW) 19.122. In the Penalty Assessment, the Commission offered the Company the option to suspend, and ultimately waive, \$1,500 of the penalty subject to the conditions that (1) the Company pay the \$500 remaining portion of the penalty; (2) Company owner and field supervisors attend Dig Safe training provided through the National Utility Contractors Association (NUCA) within 12 months of the date of the Penalty Assessment; and (3) the Company commit no further violations of RCW 19.122 within 12 months from the date of the Penalty Assessment.

On April 26, 2019, the Company paid the \$500 portion of the penalty that was not suspended and notified the Commission that it accepted the remaining conditions.

On May 7, 2020, Commission staff (Staff) filed a letter informing the Commission that the Company had failed to attend NUCA Dig Safe training, but that the Company appears to be permanently closed. In its letter, Staff recommended the Commission close the docket with no further action.

The Commission's primary objective in any enforcement action is to ensure compliance with a company's legal obligations; penalties both punish noncompliance and provide an incentive to comply in the future. The assessed penalty would further neither of these goals if the company is no longer operating in Washington. The Commission therefore finds good cause to withdraw the remaining \$1,500 portion of the penalty and close the docket.

MARK L. JOHNSON
Executive Director and Secretary