



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

July 16, 2020

RE: *In the Matter of the Penalty Assessment Against Eller Corporation Landscaping, in the Amount of \$3,000, Docket DG-190245*

TO ALL PARTIES:

On May 13, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment (Penalty Assessment) against Eller Corporation (Eller or Company) in the Amount of \$3,000 for two violations of RCW 19.122.30(2). In the Penalty Assessment, the Commission offered the Company the option to suspend, and ultimately waive, a \$1,500 portion of the penalty subject to the conditions that: (1) the Company timely pay the \$1,500 portion of the penalty that was not suspended, (2) the Company commit no further violations of RCW 19.122 within 12 months of the date of the Penalty Assessment, and (3) Company employees attend Dig Safe training provided by the National Utility Contractors Association (NUCA) within 12 months of the date of the Penalty Assessment.

On June 4, 2019, the Company notified the Commission that it accepted the conditions and made a payment of \$1,500. On July 7, 2020, Commission staff (Staff) filed a letter informing the Commission that Eller had not incurred any further violations, but that due to scheduling in 2019 and COVID-19 restrictions in 2020, the Company was unable to attend NUCA Dig Safe training. Because the Company's failure to meet the final condition was beyond its control, Staff recommends the Commission waive the training requirement as well as the \$1,500 suspended penalty and close the docket.

The Commission agrees that Eller has sufficiently complied with the conditions of the penalty suspension, and agrees that the current global health crisis and resulting lack of scheduled training provides sufficient grounds to waive the requirement that Eller employees attend NUCA Dig Safe training. The final condition and the \$1,500 suspended portion of the penalty are thus waived, and this docket is closed.

/s/ Mark L. Johnson

MARK L. JOHNSON

Executive Director and Secretary