



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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November 23, 2021

RE: *In the Matter of the Penalty Assessment Against Zayo in the Amount of \$1,000,*
Docket DG-200722

TO ALL PARTIES:

On September 17, 2020, the Washington Utilities and Transportation Commission (Commission) assessed a \$2,500 penalty (Penalty Assessment) against EM3 Concrete, LLC, (EM3 or Company) for one violation of Revised Code of Washington (RCW) 19.122. 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) EM3 pay the \$1,000 portion of the penalty that was not suspended within 15 days of receiving the Penalty Assessment; (2) Company management and field crew responsible for excavation complete Dig Safe Training through the National Utility Contractors Association (NUCA) within 12 months 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 October 7, 2020, the Company paid the \$1,000 portion of the penalty that was not suspended and notified the Commission that it accepted the remaining condition.

On November 16, 2021, Commission staff (Staff) filed a letter informing the Commission that the Company had submitted a certificate of completion for NUCA Dig Safe training on October 1, 2021, and that the Company has not incurred any additional violations of the dig law since the Penalty Assessment. In its letter, Staff recommends the Commission waive the \$1,500 suspended penalty and close the docket.

The Commission agrees that EM3 has complied with the conditions of the penalty suspension. The \$1,500 suspended penalty is thus waived, and this docket is closed.

AMANDA MAXWELL
Executive Director and Secretary