

Service Date: February 2, 2026

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: D-250973  
PENALTY AMOUNT: \$5,000  
Investigation # 9261

SERVICE VIA EMAIL

Erika Hunter  
Puget Sound Energy  
PO Box 97034, Bellevue  
Washington, 98009  
[Erika.Hunter@pse.com](mailto:Erika.Hunter@pse.com)

UBI: 179-010-055  
Phone: (206) 402-9142

**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that Puget Sound Energy (PSE or Company) violated Revised Code of Washington (RCW) 19.122.030(3)(a)(i) by failing to provide the excavator with reasonably accurate information by marking its facility location.

RCW 19.122.070(1) states, in part, that violations of any provision of the chapter are subject to a civil penalty of not more than \$1,000 for an initial violation and not more than \$5,000 for each subsequent violation within a three-year period.

On December 18, 2025, the Washington State Dig Law Safety Committee (Safety Committee) heard case 25-098 filed by MESA Products Inc. (MESA or Complainant) against PSE and determined PSE violated RCW 19.122.030(3)(a)(i) by failing to provide the excavator with reasonably accurate information by marking its facility location. The Safety Committee recommended that the Commission impose a \$5,000 penalty.

Commission staff (Staff) reviewed the documents, reports, and communications with the Safety Committee and agreed with the Safety Committee's findings and recommendations.

The Commission hereby notifies you that it is assessing a \$5,000 penalty (Penalty Assessment) against you on the following grounds:

- Alleged Violation:**  
On October 24, 2025, PSE failed to provide MESA with reasonably accurate information as to the location of its underground facilities.

2. **Analysis:**

The alleged violation concerns RCW 19.122.030(3)(a)(i), which states, in part, that a facility operator must provide the excavator with reasonably accurate information by marking facility location. In the complaint filed by MESA, it reported that on October 24, 2025, at Josh Green Lane, Anacortes, Washington, it was performing excavation and found a live power line that had not been marked by PSE. The complainant reported that the locate markings at the site indicated “no PSE.” Based on those marks, it proceeded to excavate and found the unmarked lines 8 feet below grade. Fortunately, due to its own internal safety protocols, MESA proceeded to vacuum the hole before drilling, thus preventing a potential disaster. MESA provided photos of the hole with the unmarked conduit along with the complaint.

PSE did not provide any supporting documents. The Safety Committee reported that PSE was present for the Safety Committee review and took responsibility for the inaccurate locate.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**

This incident could have been significantly more harmful to Company workers, utility technicians, nearby homeowners, and the public, and it could have resulted in severe injury and loss of property.

2. **Whether the violation is intentional.**

The violation does not appear to be intentional, but rather due to negligence by PSE. Over the past three years PSE has been penalized by the Commission on nine occasions for violations of RCW 19.122.

3. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company’s actions going forward and its willingness to notify the one-number locate service every time before beginning excavation.

4. **The Company’s previous violations and penalties.**

- **Warning Letters**

On July 15, 2019, the Commission mailed an Alleged Violation of Washington Dig Law letter to PSE. The letter included detailed information about Washington State’s Underground Utility Damage Prevention Act, requirements for facility operators to respond to One Call Center locate requests; and the requirement for providing the excavator with reasonably accurate information by marking the location of locatable underground facilities.

- **Penalty Assessments**

	<b>Docket Number</b>	<b>Date of Penalty Assessment</b>	<b>Amount of Penalty</b>	<b>RCW Violation</b>
1.	D-161231	01-18-17	\$2,000	19.122.030(3)(a)

2.	D-210500	09-13-21	\$5,000	19.122.030(3)(a)
3.	D-200813	03-24-21	\$5,000	19.122.030(3)(a)
4.	D-210358	06-24-21	\$5,000	19.122.030(3)(a)
5.	D-210732	11-03-21	\$5,000	19.122.030(3)(a)
6.	D-210873	12-08-21	\$10,000	19.122.030(3)(a)
7.	D-220826	01-04-23	\$5,000	19.122.030(3)(a)
8.	D-240568	08-12-24	\$5,000	19.122.030(4)(a)
9.	D-250752	10-17-25	\$5,000	19.122.030(3)(a)

The Commission has considered these factors and agrees with the Safety Committee's findings of probable violation and penalty recommendation, as follows:

- \$5,000 penalty for one violation of RCW 19.122.030(3)(a)(i) that occurred on October 24, 2025, at Josh Green Lane, Anacortes, Washington.

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

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 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 their decision.

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

- Pay the \$5,000 penalty amount due; or
- Contest the occurrence of the violation; or
- Admit the violation but request mitigation of the penalty amount

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto: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, P.O. Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>1</sup>

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective February 2, 2026.

*/s/Connor Thompson*  
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CONNOR THOMPSON  
Director, Administrative Law Division

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<sup>1</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
PENALTY ASSESSMENT D-250973 Investigation # 9261

**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, 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 violation occurred and:
- Enclose \$5,000 in payment of the penalty.
- OR  Attest that I have paid the penalty in full through the Commission's payment portal.
2. **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.
3. **Request mitigation.** I admit the violation, 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: \_\_\_\_\_ [Month/Day/Year], at \_\_\_\_\_ [City, State]

\_\_\_\_\_  
Name of Respondent (Company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020 "Perjury in the first degree."

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.