

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Penalty Assessment Against | DOCKET D-180104 |
| NORTH SKY COMMUNICATIONS, LLC | ORDER 01 |
| In the amount of \$1,000 | IMPOSING SUSPENDED PENALTY |

BACKGROUND

- 1 On January 31, 2018, the Washington State Dig Law Safety Committee (Safety Committee) determined that North Sky Communications (North Sky or Company) violated Revised Code of Washington (RCW) 19.122.030(2) by failing to request utility locates prior to excavating, and recommended that the Commission penalize North Sky \$1,000 for one violation of RCW 19.122.030(2). The Safety Committee further recommended the Commission suspend an \$800 portion of the \$1,000 penalty subject to the condition that the Company's regional manager, superintendent, director of safety, and the employee involved in the violation all complete National Utility Contractor Association (NUCA) Dig Safe Training within 90 days of the date the Commission issued a penalty assessment.
- 2 On February 6, 2018, the Washington Utilities and Transportation Commission (Commission) assessed a \$1,000 penalty (Penalty Assessment) against North Sky for the single violation of RCW 19.122.030(2), failing to provide the required notice to a one-number locator service not less than two business days before excavating. The Commission also offered to suspend, and then waive after 12 months, \$800 of the penalty amount subject to the conditions that (1) North Sky's regional manager, superintendent, director of safety, and the employee involved in the violation all complete NUCA Dig Safe Training within six months of the date of the Penalty Assessment and submit documentation of their attendance to the Commission within five (5) days of attending the training; and (2) North Sky commits no further violations of RCW 19.122 within the next 12 months.

- 3 On February 22, 2018, the Company responded to the Penalty Assessment, admitting the violations and accepting the Commission's offer to suspend \$800 of the penalty subject to the conditions mentioned above.
- 4 On September 14, 2018, Commission staff (Staff) filed a letter with the Commission recommending imposition of the suspended penalty amount for failure to comply with the suspension conditions. Staff confirmed that none of the Company's employees who were required to attend the NUCA Dig Safe Training within six months of the date of the Penalty Assessment attended such training.

DISCUSSION

- 5 We find that North Sky failed to fulfill the requirements upon which the Commission conditioned its suspension of an \$800 portion of the \$1,000 penalty. Specifically, the Company failed to have any of the four employees required to attend the NUCA Dig Safe Training attend such training within six months of the date of the Penalty Assessment. Accordingly, the \$800 suspended portion of the penalty is now due.

ORDER

THE COMMISSION ORDERS: The entire remaining penalty amount of \$800 is now due and payable.

DATED at Olympia, Washington, and effective September 21, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANDREW J. O'CONNELL
Administrative Law Judge