Service Date: December 11, 2025

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of a Penalty Assessment Against AVISTA CORPORATION D/B/A AVISTA UTILITIES in the amount of $10,000	DOCKET DG-250798 ORDER 01 DENYING MITIGATION

BACKGROUND

1 On November 17, 2025, the Washington Utilities and Transportation Commission (Commission) issued a Penalty Assessment against Avista Corporation d/b/a Avista Utilities (Avista or Company) in the amount of $10,000 for one violation of Revised Code of Washington (RCW) 19.122.030(4)(a) for failing to provide information to an excavator pursuant to subsection (3) of RCW 19.122.030, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

2 On November 24, 2025, Avista filed a request for mitigation, admitting the violation and requesting a decision based on the written information provided. In its request, Avista stated that, "[t]here are no records of [the] facility in Avista's current GIS system or historic paper maps, nor were there any visible indicators at the site."[1] The Company further explained that it is "impossible for it to comply because there is no practical method to locate facilities that are undocumented and have no physical indicators."[2] Finally, the Company stated that it "fully complies with RCW 19.122 and federal damage prevention requirements including timely response to 811 tickets and accurate marking of known facilities."[3]

3 On December 9, 2025, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation. Staff explained that RCW 19.122.030 is clear in its requirements that the facility operator is responsible for providing information to an excavator as to its locatable and unlocatable underground

[1] Avista Request for Mitigation ¶ 2.

[2] *Id*. at ¶ 2.

[3] Avista Request for Mitigation ¶ 3.

facilities, no later than the work-to-begin date, and RCW 19.122.055 authorizes the Commission to assess a penalty up to $25,000 if an underground natural gas facility is damaged as a result of the failure to comply with RCW 19.122.030. Staff noted that Avista has been previously issued 23 penalty assessments, seven of which were for violations of RCW 19.122.030(4), and notes that in Avista's response to the Complaint, it states that, "As industry best practice, gas stubs are often installed off of a gas main to parcels not yet requesting natural gas, but there is a likelihood they may request gas in the future."[4] According to Staff, this indicates that Avista is aware that there are unmarked stubs along its main lines yet continues to have violations involving its locating practices of these stubs, and in this case, despite Avista's extensive penalty history, the Commission only imposed a $10,000 penalty rather than the maximum $25,000 penalty. For these reasons, Staff concludes that the penalty amount assessed was appropriate, and that the Commission should deny the Company's request for mitigation of the penalty.

DISCUSSION AND DECISION

4 RCW 19.122.030(4)(a) states in part, that a facility operator must provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice. RCW 19.122.055(2) states, in part, that:

> any hazardous liquid or gas pipeline operator who (a): (i) Fails to accurately locate the underground facility as required under RCW 19.122.030 (3) and (4); or (ii) fails to mark its underground facilities as required under RCW 19.122.030(1), and (b) whose underground facility is damaged as a result of the failure in (a) of this subsection is subject to a civil penalty of not more than $25,000 for each violation.

Here, the Commission has assessed a reduced penalty of $10,000.

5 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.[5]

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[4] Avista Utilities Response to M&L Complaint ¶ 3.

[5] Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013) at ¶19.

6 We agree with Staff that mitigation is not appropriate. In this situation, the evidence presented indicates that Avista is aware of the fact that it has unmarked stubs throughout its main lines and continues to have violations with regard to its locating practices in relation to these stubs. Additionally, the Commission only penalized the Company $10,000 rather than the maximum amount of $25,000 that could have been assessed. While Avista provides additional information, noting that "[t]here are no records of this facility in Avista's current GIS system or historic paper maps...[,]" this information does not persuade the Commission that the penalty amount should be mitigated as violations of RCW 19.122.030 carry penalties for both locatable and unlocatable facilities. The penalty amounts do not vary in statute or our policy solely because a facility is difficult to locate or unlocatable. For these reasons, we find that the Commission appropriately penalized Avista for its violation and conclude that the Company's request for mitigation should be denied.

ORDER

THE COMMISSION ORDERS:

7 (1) Avista Corporation d/b/a Avista Utilities' request for mitigation is DENIED.

8 (2) The $10,000 penalty is due and payable within 14 days of the effective date of this order.

9 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacy, Washington, and effective December 11, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Jeff Killip

JEFF KILLIP
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.