



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 18, 2018

Mark L. Johnson, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Swope Excavating & Construction, LLC.*
Commission Staff's recommendation to approve penalty suspension.
Docket DG-180312

Dear Mr. Johnson:

On April 18, 2018, the Utilities and Transportation Commission (commission) issued a \$1,000 Penalty Assessment in Docket DG-180312, against Swope Excavating & Construction, LLC (Swope Excavating or Company) for one violation of RCW 19.122. The Penalty Assessment was returned to the commission as unclaimed on two separate occasions. On June 4, 2018, staff finally issued the Penalty Assessment via electronic mail to Company owner Michael Swope. The Company failed to respond by the June 19, 2018, deadline.

On July 5, 2018, Mr. Swope submitted a response to the Penalty Assessment. The response contained handwritten notes by Mr. Swope but did not clearly indicate which option the Company was choosing. Staff contacted Mr. Swope on July 6, 2018, to clarify the intentions of his response. Mr. Swope indicated that he wished to accept to the penalty suspension option and conditions.

Staff reviewed the request submitted by Swope Excavating in conjunction with all other relevant information, and recommends that the commission accept the Company's request to accept the penalty suspension conditions. The Company admitted the error of not responding to the initial penalty assessment in a timely manner and has taken the initiative to make changes to its business operations to prevent similar issues in the future. Staff's research also indicates that Swope Excavating has not had any further violations of RCW 19.122 since the original penalty assessment was issued on April 18, 2018.

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Staff recommends the commission accept the Company's request to accept the penalty suspension conditions. Staff also recommends that if the Company fails to comply with any of the conditions, then the full \$1,000 suspended penalty will become immediately due and payable, in addition to any new penalties that the commission may assess for additional violations.

Sincerely,

/s/

Sean C. Mayo

Pipeline Safety Director