



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
621 Woodland Square Loop SE • Lacey, Washington 98503
P.O Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • 1-800-833-6384 or 711

April 14, 2022

Amanda Maxwell, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey WA 98503

Re: Penalty Assessment D-210605; Locate Ticket #21205186 (Avista Corporation)

Dear Ms. Maxwell:

Commission staff has reviewed the Contest of Violation raised by ELM (ELM or Company) received 01/10/2022.

ELM requested that the Utilities and Transportation Commission (Commission) “set aside” the \$5,000 penalty it imposed against Avista Corporation (Avista) for a violation of the Call Before You Dig Act, RCW 19.122.

- ELM is an independent contractor of Avista and was charged with providing locates on Avista’s behalf to an excavator, M&L Construction Company. ELM’s Lead Investigator asserts that ELM did not fail to accurately locate Avista’s lines as requested by the excavator because ELM provided the requested locates “prior to the relevant excavation.”

Staff believes this does not serve to change the outcome. The Commission assessed the penalty against Avista, not ELM. Avista conceded the violation and paid the \$5,000 penalty.

Staff recommends the Commission place the Contest of Violation filed by ELM in the official docket of this proceeding and close the docket.

Sincerely,

Sean Mayo
Pipeline Safety Director