



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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February 4, 2016

RE: *In the Matter of a Penalty Assessment Against Steve Ruhnke Construction, Inc. in the Amount of \$1,000, Docket D-150572*

TO ALL PARTIES:

On June 22, 2015, the Washington Utilities and Transportation Commission (Commission) issued and served Penalty Assessment D-150572 against Steve Ruhnke Construction, Inc. (Ruhnke Construction or Company) in the amount of \$1,000, alleging a violation of RCW 19.122.030(1)(a) by failing to request a dig ticket prior to performing an excavation and by not marking the boundary of the excavation area in white paint, and a violation of RCW 19.122.050 by failing to report damage that occurred to a City of Lacey sanitary sewer force main as a result of the excavation.

On July 8, 2015, Ruhnke Construction filed with the Commission a request to attend training on the form provided by the Commission. Ruhnke Construction checked the box on that form indicating that the Company admits that the violation occurred for which penalties were assessed and that it accepts the Commission's offer to waive the penalty on condition that the Company (1) attend the "Dig Safe" training provided through the National Utility Contractors Association, (2) submit documentation of its attendance to the Commission within five days of attending the training, and (3) commit no further violations of RCW 19.122.030 within the next 12 months.

On January 14, 2016, the Commission issued a penalty assessment in Docket D-151944 against Ruhnke Construction in the amount of \$2,500, alleging the company committed another violation of RCW 19.122.030(1) on July 2, 2015, by failing to request a dig ticket prior to performing an excavation. On January 21 and 25, 2016, Ruhnke Construction responded to this assessment by admitting the violation and paying the penalty.

On January 21, 2016, Staff filed a letter with the Commission stating that due to this violation, the conditions of the Commission's penalty assessment in this docket have not been met.

The Commission finds that Steve Ruhnke Construction, Inc. has admitted committing another violation of RCW 19.122 within a year after the first violation and thus has not complied with the conditions under which the Commission suspended \$1,000 of the assessed penalty in Docket D-150572. Accordingly, that penalty amount is no longer suspended and is now due and payable.

Sincerely,

STEVEN V. KING
Executive Director and Secretary