



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

January 14, 2020

RE: *In the Matter of the Penalty Assessment Against Active Environmental, Inc., in the Amount of \$1,000, Docket DG-190887*

TO ALL PARTIES:

On November 12, 2019, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment (Penalty Assessment) against Active Environmental, Inc., in the Amount of \$1,000 for one violation of RCW 19.122.030(2). The Penalty Assessment included an offer to suspend the penalty for a period of one year subject to the conditions that (1) the Company does not incur any further violations of RCW 19.122 within 12 months of the date of the Penalty Assessment, and (2) Company management and field crew responsible for excavation complete Dig Safe Training provided through the National Utility Contractors Association within 12 months of the date of the Penalty Assessment. The Company was required to accept the offer within 15 days of receiving the Penalty Assessment.

On January 6, 2020, the Company both paid the penalty and filed with the Commission a letter accepting the offer to suspend the penalty subject to conditions.

On January 10, 2020, Commission staff (Staff) filed a letter explaining that, due to holiday office closures, the Company did not receive the Penalty Assessment until after the response period had elapsed. The Company subsequently attempted to contact a Staff member who was out of the office. Ultimately, the Company both filed its response and also paid the penalty as a precautionary measure. In light of these circumstances, Staff recommends the Commission accept the Company's late-filed response, reimburse the Company for its payment, and suspend the penalty subject to the conditions set out in the Penalty Assessment.

The Commission's primary objective is to encourage compliance by providing technical assistance. Accepting the Company's late-filed response and suspending the penalty subject to conditions best serves that goal by requiring Company employees to attend training and imposing the penalty if additional violations are incurred. In addition, the Commission agrees with Staff that the Company's late response was unintentional and should be accepted. Accordingly, the

Commission will reimburse the penalty and suspend it for a period of one year subject to the conditions set out in the Penalty Assessment.

MARK L. JOHNSON
Executive Director and Secretary