



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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September 17, 2020

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Neighborhood Fence, Inc.*
Commission Staff's recommendation to impose suspended penalty.
Docket D-200038

Dear Mr. Johnson,

On February 14, 2020, Neighborhood Fence, Inc. (Neighborhood Fence or Company) was issued a \$1,000 penalty for one violation of RCW 19.122.030(1)(a) for failing to provide the required notice to a one-number locator service before excavating. Neighborhood Fence was provided the opportunity to have an \$800 portion of the \$1,000 penalty amount suspended and ultimately waived, subject to the following conditions:

- Neighborhood Fence owners and field staff must attend Dig Safe training provided through the National Utility Contractors Association (NUCA) within 12 months of the date of the penalty assessment; and
- The Company must submit documentation of attendance of Dig Safe training within 5 days of attendance; and
- Neighborhood Fence must not commit any further violations of RCW 19.122 within the 12 months following the penalty assessment.

On March 1, 2020, the Commission received notification from Neighborhood Fence that the Company admitted the violation occurred, made a payment of \$200, and accepted the compliance conditions.

On July 6, 2020, the Commission received a recommendation from the Washington Dig Law Safety Committee recommending the Commission assess a \$2,500 penalty against Neighborhood Fence for a violation of RCW 19.122.030(5) that occurred on April 24, 2020.

Staff investigated the Safety Committee's recommendation, determined that the Company committed a violation on April 24, 2020, and will recommend that the Commission accept the Safety Committee's recommendation for penalty assessment.

Therefore, Staff recommends the Commission impose the suspended \$800 portion of the penalty on Neighborhood Fence for failing to meet the condition of not committing any further violations of RCW 19.122 within the 12 months following the penalty assessment.

Sincerely,

Sean C. Mayo, Director
Pipeline Safety