



Washington State Dig Law Safety Committee

1673 S Market Blvd, #121
Chehalis, WA 98532

**Committee Members
Represent:**

December 21, 2023

Local Government

Kathy Hunter, Acting Executive Director and Secretary

Natural Gas Utility

UTC Records Center

Contractors

Utilities and Transportation Commission

Excavators

621 Woodland Square Loop SE

Electric Utility

Lacey, WA 98503

Consumer Owned Utility

Re: AMENDED Review Committee Decision – Complaint Cases 23-093 and 23-099
M&L Construction vs. Avista Corporation

Pipeline Utility

Dear Ms. Hunter:

Water / Sewer

The Washington State Dig Law Safety Committee (committee) received complaints filed by M&L Construction against Avista Corporation (Avista) regarding potential violations of the Washington State Dig Law RCW 19.122.030.

**Utilities and
Transportation
Commission**

On Nov. 14, 2023, the committee formed a peer review board and reviewed Complaint Cases 23-093 and 23-099.

**Telecommunications
Company**

Regarding Case 23-093, the peer review board determined that the respondent, Avista, violated RCW 19.122.030(4)(a) one time, for not providing information to the excavator within two business days.

Three At-Large Positions

Regarding Case 23-099, the peer review board determined that the respondent, Avista, violated RCW 19.122.030(3)(a) one time for failing to accurately locate the company's electric service and recommends a \$5,000 penalty assessment.

Therefore, the committee recommends a total penalty of \$10,000 be assessed to the respondent as follows:

- \$5,000 for one violation of RCW 19.122.030(4)(a) that occurred on Sept. 11, 2023, at 8110 N Panorama Dr, Spokane, WA
- 5,000 for one violation of RCW 19.122.030(3)(a) that occurred on Sept. 26, 2023, at 7811 N. Panorama Dr, Spokane, WA

Please let me know if you have any questions regarding this recommendation. You may contact me at 206-794-9823.

Sincerely,

Jim Walton, Chair

cc: Marina Rathbun, UTC
Tyler Proszek, Avista
Scot Hattenburg, M&L Const.