

Service Date: December 12, 2025

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: D-250560

PENALTY AMOUNT: \$2,000

Investigation # 9172

SERVICE VIA EMAIL

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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Northwest Natural Gas Company (NWN or Company) violated Revised Code of Washington (RCW) 19.122.030(4)(a) on two occasions by failing to provide information to an excavator regarding the location of its underground utilities within two business days of receiving the request for locates.

RCW 19.122.030(4)(a) states in part, that a facility operator must provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

RCW 19.122.070(1) states, in part, that violations of any provision of the chapter are subject to a civil penalty of not more than \$1,000 for an initial violation and not more than \$5,000 for each subsequent violation within a three-year period.

On July 21, 2025, the Washington State Dig Law Safety Committee (Safety Committee) heard case 25-041 and 25-042 filed by JASA, Inc. (JASA or Complainant) against NWN and determined NWN violated RCW 19.122.030(4)(a) on two occasions and RCW 19.122.030(7) on two occasions. The Safety Committee recommended that the Commission impose a \$4,000 penalty.

Commission staff (Staff) reviewed the documents, reports, and communications with the Safety Committee and agreed with the Safety Committee's findings and recommendations, with an adjustment to the recommended penalty amount.

The Commission hereby notifies you that it is assessing a \$2,000 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation 1:**

The Complainant reported that on March 21, 2025, NWN failed to provide information to an excavator regarding the location of its underground utilities within two business days of receiving the request for locates, at 7602 NE 60th St., Vancouver, WA.

Analysis:

The alleged violation concerns RCW 19.122.030(4)(a), which states, in part, that a facility operator must provide information to an excavator no later than two business days after the receipt of notice to locate its underground facilities. The Complainant reported that on March 21, 2025, it arrived on site to begin work and identified that the gas locates had not been completed. JASA reported that it called NWN and requested an ETA but did not receive one. The Complainant reported that it had to pull off the job site and reschedule.

Staff reviewed locate ticket #25101783 that was valid beginning March 21, 2025, through May 2, 2025, at 7602 NE 60th St., Vancouver, WA

2. **Alleged Violation 2:**

The Complainant reported that on March 14, 2025, NWN failed to provide information to an excavator regarding the location of its underground utilities within two business days of receiving the request for locates, at 8102 NE 91st PL, Vancouver, WA.

Analysis:

The alleged violation concerns RCW 19.122.030(4)(a), which states, in part, that a facility operator must provide information to an excavator no later than two business days after the receipt of notice to locate its underground facilities. The Complainant reported that on March 14, 2025, it arrived on site to begin work and identified that the gas locates had not been completed. JASA reported that it called NWN and requested an ETA but did not receive one. The Complainant reported that it had to pull off the job site and reschedule.

Staff reviewed locate ticket #25088198 that was valid March 10, 2025, through April 24, 2025, at 8102 NE 91st PL., Vancouver, WA.

The Commission considered the following factors in determining the appropriate penalty amount for the violations:

1. **How serious or harmful the violation(s) is/are to the public.**

This incidents resulted in financial harm to the Company due to delayed work.

2. **Whether the violations are intentional.**

NWN did not provide any supporting documents for this review.

3. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its ability to locate facilities on time and as required by the Washington State's Dig Law.

The Commission has considered these factors and agrees with the Safety Committee's findings of probable violations and penalty recommendation, as follows:

- **First Violation:** \$1,000 penalty for one violation of RCW 19.122.030(4)(a) that occurred on March 21, 2025, at 7602 NE 60th St., Vancouver, WA.
- **Second Violation:** \$1,000 penalty for one violation of RCW 19.122.030(4)(a) that occurred on March 14, 2025, at 8102 NE 91st PL., Vancouver, WA.

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation(s) did not occur, you may deny committing the violation(s) and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation(s) that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation(s) or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation(s) or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

You must act within 15 days after receiving this Penalty Assessment to do one of the following:

- Pay the \$2,000 penalty amount due; or
- Contest the occurrence of the violation(s); or
- Admit the violation(s) but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to records@utc.wa.gov. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).¹

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection.

¹ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

DATED at Lacey, Washington, and effective December 12, 2025.

/s/Connor Thompson
CONNOR THOMPSON
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT D-250560 Investigation # 9172

PLEASE NOTE: You must complete and sign this document and send it to the Commission within 15 days after you receive the Penalty Assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, competent to testify to the matters set forth below, and I have personal knowledge of those matters. I hereby make, under oath, the following statements:

- [] 1. **Payment of penalty.** I admit that the violation(s) occurred and:
 - [] Enclose \$2,000 in payment of the penalty.
 - OR [] Attest that I have paid the penalty in full through the Commission’s payment portal.

- [] 2. **Contest the violation(s).** I believe that the alleged violation(s) did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):
 - [] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
 - OR [] b) I ask for a Commission decision based solely on the information I provide above.

- [] 3. **Request mitigation.** I admit the violation(s), but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):
 - [] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
 - OR [] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [Month/Day/Year], at _____ [City, State]

Name of Respondent (Company) – please print

Signature of Applicant

RCW 9A.72.020 "Perjury in the first degree."

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.