



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

April 22, 2019

Mark L. Johnson, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Swope Excavation & Construction, LLC*  
Commission Staff's recommendation to impose \$1,000 suspended penalty.  
Docket DG-180312

Dear Mr. Johnson:

On April 18, 2018, Swope Excavation & Construction, LLC (Swope) was issued a \$1,000 penalty for a violation of RCW 19.122. Swope was provided the opportunity to have the entire \$1,000 penalty waived on the conditions that (1) Swope employees attend Dig Safe training provided through the National Utility Contractors Association (NUCA) within 12 months; and (2) Swope commits no further violations of RCW 19.122 within the 12 months of the penalty assessment. On July 18, 2018, the commission accepted Swope's response to the penalty assessment order, which accepted the commission's offer to suspend the penalty based on the stated conditions.

The penalty assessment specified that Swope management and employees must attend NUCA Dig Safe training within 12 months of the issuance of the penalty assessment, and submit documentation of that attendance to the commission within five days of completing the training. April 22, 2019, Staff confirmed with Swope that the required employees have not attended Dig Safe training since the issuance of the penalty assessment.

Swope has not incurred any additional violations of RCW 19.122 within 12 months of the issuance of penalty.

Staff recommends the suspended \$1,000 penalty be imposed on Swope for failing to meet the conditions of attending Dig Safe training within 12 months of the issuance of the penalty assessment.

Sincerely,

Sean C. Mayo, Director  
Pipeline Safety