



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

January 16, 2019

NOTICE RESCHEDULING BRIEF ADJUDICATIVE PROCEEDING
(Now set for Monday, April 15, 2019, at 9:30 a.m.)

Re: *In the Matter of the Penalty Assessment Against Evergreen Concrete Cutting, Inc., in the Amount of \$8,000, Docket DG-180901*

TO ALL PARTIES:

On December 12, 2018, the Washington Utilities and Transportation Commission (Commission) issued a Penalty Assessment in Docket DG-180901 against Evergreen Concrete Cutting, Inc. (Evergreen or Company) in the amount of \$8,000, alleging four violations of Revised Code of Washington (RCW) 19.122.030(2) for failing to provide the required notice to a one-number locator service not less than two business days before excavating.

On December 26, 2018, Evergreen filed with the Commission a contest of penalties and request for hearing. Evergreen denied three of the four alleged violations and requested a hearing before an administrative law judge to present evidence.

On January 9, 2019, the Commission issued a Notice of Brief Adjudicative Proceeding, Setting Time for Oral Statements (Notice of Hearing). The Notice of Hearing, upon the request of Evergreen and with the agreement of Commission staff (Staff), scheduled a brief adjudicative proceeding on April 18, 2019, and set a deadline of April 11, 2019, to submit any documents for consideration.

On January 15, 2019, Evergreen contacted Staff and requested that the brief adjudicative proceeding be rescheduled for April 11, 12, or 15. According to Staff, counsel for Evergreen explained that a scheduling conflict had arisen with the April 18 date.

The Commission does not generally modify procedural schedules to accommodate foreseeable scheduling conflicts. Companies and counsel should be aware of their schedules before agreeing to hearing dates. Nevertheless, in light of Staff's agreement with the Company's request—which was made well in advance of the original and proposed hearing dates—the availability of

Commission resources, and the nature of the proceeding, the Commission finds good cause to reschedule the hearing as requested by the Company.

THE COMMISSION GIVES NOTICE That the brief adjudicative proceeding in docket DG-180901 is rescheduled for Monday, April 15, 2019, at 9:30 a.m. Parties wishing to submit any documents for consideration at the brief adjudicative proceeding must do so no later than 5 p.m. on Monday, April 8, 2019.

NELLI DOROSHKIN
Administrative Law Judge