

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment
Against

AERO CONSTRUCTION.

In the Amount of \$20,000

DOCKET DG-180992

NOTICE OF BRIEF ADJUDICATION

SETTING TIME FOR ORAL
STATEMENTS

**(Set for April 18, 2019,
at 9:30 a.m.)**

- 1 On January 23, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Penalty Assessment in Docket DG-180992 against Aero Construction (Aero or Company) in the amount of \$20,000, alleging two 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, and one violation of RCW 19.122.030(6)(c), for failing to provide additional notification of continued excavation to facility operators using the one-call notification system.
- 2 On February 5, 2019, Aero filed with the Commission a contest of penalties and request for hearing. Aero denies two of the three alleged violations and requests a hearing before an administrative law judge to present evidence.
- 3 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the violations occurred.
- 4 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on Thursday, April 18, 2019, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 5 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 6 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The

Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

7 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission all such documents, as well as a list enumerating such documents, no later than **5 p.m. on Thursday, April 11, 2019**, and bring an original and one (1) copy to the hearing. Filing shall be in accordance with WAC 480-07-140.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

9 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Joe Dallas
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
joe.dallas@utc.wa.gov

Respondent: Aero Construction
3827 Bickford Ave.
Snohomish, WA 98290

Representative: Jeffrey Wishko
Anderson Hunter law Firm, P.S.
2707 Colby Avenue STE 1001
Everett, WA 98201
jwishko@andersonhunterlaw.com

10 Administrative Law Judge Nelli Doroshkin, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington, and effective February 26, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____