



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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February 24, 2016

**NOTICE EXTENDING DEADLINE TO ATTEND DIG SAFE TRAINING
(By June 1, 2016)**

RE: *Washington Utilities and Transportation Commission v. Roy Murphy*,
Docket D-150571

TO ALL PARTIES:

On August 10, 2015, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment D-150571 against Roy Murphy in the amount of \$1,000, alleging one violation of RCW 19.122.030(1)(a). The Penalty Assessment notified Mr. Murphy that he must respond within 15 days of the date the Penalty Assessment was received and select one of four options: pay the penalty, contest the violation, request mitigation, or attend training. Parties who elect to attend training agree to pay a \$200 portion of the penalty, attend the National Utility Contractors Association “Dig Safe” training (Dig Safe training) within 90 days, and commit no further violations of RCW 19.122.030(1)(a) within the next 12 months. Provided each of those conditions are met, the remaining \$800 portion of the penalty is waived.

On September 30, 2015, Mr. Murphy filed an application for mitigation, requesting to attend training and pay the \$200 penalty. Mr. Murphy acknowledged his response was late, but stated he did not receive a copy of the Penalty Assessment and was unaware of the requirement to respond within 15 days.

On January 26, 2016, the Commission issued a Notice accepting Mr. Murphy’s late response to the Penalty Assessment, suspending an \$800 portion of the penalty on condition of future compliance, requiring Mr. Murphy to pay the \$200 penalty by February 9, 2016, and requiring Mr. Murphy to attend Dig Safe training within 90 days of the date of the Notice.

On February 3, 2016, Mr. Murphy paid the \$200 penalty. On February 19, Mr. Murphy submitted a request to extend the 90-day deadline for attending Dig Safe training. Mr. Murphy explained that he registered to attend a Dig Safe training that was subsequently cancelled, and he plans to attend the next available training.

On February 22, 2016, Commission staff (Staff) filed a response recommending the Commission grant Mr. Murphy's request and extend the deadline to attend Dig Safe training until June 1, 2016. Staff believes that allowing Mr. Murphy to attend training in lieu of imposing the suspended penalty will best further the Commission's goal of compliance.

The Commission agrees with Staff's recommendation and will extend the deadline for Mr. Murphy to attend Dig Safe training. Extending the deadline is reasonable given that Dig Safe training is no longer available within the 90-day timeframe required by the Commission's January 26, 2016, Notice. Accordingly, Mr. Murphy must attend Dig Safe training by June 1, 2016, and provide documentation of his attendance within five days of completion.

THE COMMISSION GIVES NOTICE That the Commission grants Roy Murphy's request to extend the deadline to attend Dig Safe training. Roy Murphy must attend Dig Safe training by June 1, 2016, and provide documentation of his attendance within five days of completing the training.

STEVEN V. KING
Executive Director and Secretary