



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

Oct. 13, 2017

Steven V. King, Executive Director and Secretary
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. Watterson Excavation, Inc.*
Commission Staff's Recommendation to Accept Penalty Payment Plan.
Docket D-170853

Dear Mr. King:

On Aug. 29, 2017, the Utilities and Transportation Commission (commission) issued a \$20,000 Penalty Assessment in Docket D-170853, against Watterson Excavation, Inc. (Watterson Excavation or company) for four violations of RCW 19.122. These violations were based on a referral from the Washington State Dig Law Safety Committee. The Penalty Assessment was received via certified mail by Watterson Excavation on Sept. 1, 2017. The company failed to respond by the Sept. 17, 2017, deadline.

On Oct. 11, 2017, a representative of Watterson Excavation contacted staff regarding the past due invoice the company received. The company inquired about the possibility of setting up a payment plan for the outstanding penalty amount, and staff instructed them to submit their request in writing for the commission to consider.

On Oct. 12, 2017, the commission received a letter from Watterson Excavation requesting a payment plan and also providing reasons for the company's failure to respond in a timely manner. The company stated the reason they missed the original deadline was due to staff turnover. The company also claims they have changed their business practices to mitigate and remedy the locate problems they have had in the past.

Staff reviewed the letter submitted by Watterson Excavation in conjunction with all other relevant information, and recommends that the commission accept the company's request to schedule a payment plan. The company admitted the error of not responding to the initial penalty

Steven V. King

Oct. 13, 2017

Page 2 of 2

assessment in a timely manner and has since taken the initiative to make changes to their business operations to prevent similar issues in the future. Staff's research also indicates that Watterson Excavation has not had any further violations of RCW 19.122 since the original penalty assessment was issued on Aug. 29, 2017.

Staff recommends the commission accept the following mutually agreed upon payment arrangements to satisfy the \$20,000 penalty:

Due Date	Amount
Nov. 15, 2017	\$5,000
Dec. 15, 2017	\$5,000
Jan. 15, 2018	\$5,000
Feb. 15, 2018	\$5,000
Total	\$20,000

Finally, staff recommends that if the company fails to timely pay any installment of the agreed upon payment plan, the entire remaining balance will become immediately due and payable.

Sincerely,

Sean C. Mayo
Pipeline Safety Director