

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

ELLER CORPORATION

in the amount of \$3,000

DOCKET D-190754

ORDER 01

GRANTING PAYMENT
ARRANGEMENT

BACKGROUND

- 1 On October 7, 2019, the Washington Utilities and Transportation Commission (Commission) assessed a \$3,000 penalty (Penalty Assessment) against Eller Corporation (Eller or Company) for two violations of the Washington underground utility damage prevention act, Revised Code of Washington (RCW) 19.122.030(6)(c).
- 2 On October 30, 2019, Commission staff (Staff) contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in three monthly installments, beginning on November 25, 2019, and that Staff supports the request.
- 3 Staff also proposes that if Eller misses one payment, the entire balance will become due and payable immediately.

DISCUSSION

- 4 The installment payment schedule Staff and the Company propose is reasonable. The Commission approves the proposal with two modifications. First, Eller may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$3,000 is satisfied. Second, the second installment in the proposed payment plan falls on a Commission holiday, and the third installment on a Saturday, so the Commission establishes the payment plan as follows:

| Installment | Due Date | Amount |
|-------------|-------------------|--------|
| 1 | November 25, 2019 | \$1000 |
| 2 | December 26, 2019 | \$1000 |

| | | |
|---|------------------|--------|
| 3 | January 27, 2020 | \$1000 |
|---|------------------|--------|

ORDER

THE COMMISSION ORDERS THAT:

- 5 (1) The \$3,000 penalty is due and payable to the Commission in installments as set
out in paragraph 4, above.
- 6 (2) If Eller Corporation fails to pay any installment by 5 p.m. on the date it is due, the
unpaid balance will immediately become due and payable without further order
by the Commission.
- 7 The Secretary has been delegated authority to enter this order on behalf of the
Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective November 7, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for
decision. As authorized in WAC 480-07-904(3), you must file any request for
Commission review of this order no later than 14 days after the date the decision is
posted on the Commission's website.**