000	cket No. DG-1601/4 - Vol. I	in ti	Matter	of: Woodland Industries General Contracting, I	me.
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1	BEFORE THE WASHINGTON STATE			3	
2	UTILITIES AND TRANSPORTATION COMMISSION				
3		-			
4	In the Matter of the Penalty) Assessment Against)		WITNES		
5	WOODLAND INDUSTRIES GENERAL) Docket No. DG-160174		Direct	OREN (for Watterson Excavation) Testimony by Mr. Boren 8	
6	CONTRACTING, INC.		ANTHO Direct	NY DORROUGH Examination by Mr. Shearer 11	
7	In the Amount of \$2,000)				
8	,		Direct Cross	GERS (for Woodland Industries) Testimony by Mr. Rogers 18 Examination by Mr. Shearer 26	
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12	ADMINISTRATIVE LAW JUDGE RAYNE PEARSON	1	Cross	MOORE (for Town & Country) Testimony by Mr. Moore 40 Examination by Mr. Shearer 49	
13		_ 1	DEREK	NORWOOD Ination by Mr. Shearer 51	
14	9:38 a.m.	_ 1			_
15	June 21, 2016	1		IS FOR IDENTIFICATION MARKED/ADMITTE JTC Incident Investigation Form 13	D
16	Washington Utilities and Transportation Commission	1		Damage Report 14	
17	Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive Southwest Olympia, Washington 98504-7250	1		JTC Incident Investigation Form 30	
18		1		Damage Report 1999937 31	
19		1		Damage Report 2344578 32	
20	REPORTED BY: ANITA W. SELF, RPR, CCR #3032	1	SA-4 - V	Vashington One Call Ticket No. 15179407 34	
21	Buell Realtime Reporting, LLC. 1325 Fourth Avenue		SA-5 - V	Vashington One Call Ticket No. 15283209 35	
22	Suite 1840			JTC Incident Investigation Form 54	
23	Seattle, Washington 98101 206.287.9066 Seattle 360.534.9066 Olympia 800.846.6989 National			Damage Report ID 2329650 55	
24	800.846.6989 National	2		Cascade Natural Gas Report 56	
25	www.buellrealtime.com	2	DN-4 - \	Nashington, Qne Call Ticket No. 15181685 57	
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			Dego 7
	Page 5 5		Page 7 7
1	JUDGE PEARSON: Thank you. And next is	1	JUDGE PEARSON: Thank you. Does Staff have
2	Docket DG-160174, Woodland Industries General	2	any general opening statement or testimony to give this
3	Contracting, Inc.	3	morning?
4	MR. ROGERS: Present.	4	MR. SHEARER: No. The documents are fairly
5	JUDGE PEARSON: Thank you. And finally	5	straightforward, and the cases are fairly
6	Docket DG-160328, Town & Country Tree Service.	6	straightforward, and we're just going to give you all
7	MR. MOORE: Here. It says Woodland	7	the facts we have.
8	Industries on mine.	8	JUDGE PEARSON: Okay. Sounds good.
9	JUDGE PEARSON: Maybe you were given a copy	9	So the first docket is DG-160164, Watterson
10	of someone else's exhibits. Mr. Shearer has a copy for	10	Excavation, Inc.
11	you, though, of if you represent Town & Country Tree	11	If you could step forward to this seat.
12	Service, he has that for you.	12	MR. BOREN: This one?
13	MR. SHEARER: Yeah. I think there's just a	13	JUDGE PEARSON: Yes. If you could just make
14	31	14	sure that that microphone is turned on and the red light
15	JUDGE PEARSON: Oh, okay.	15	comes on.
16	MR. SHEARER: Our office accidentally used	16	MR. BOREN: Okay.
17	the same fill-in on the subject line.	17	JUDGE PEARSON: Okay. So can you state your
18	JUDGE PEARSON: Gotcha. Okay.	18	name and address for the record, spelling your last name
19	MR. SHEARER: But the actual exhibits and	19	for the court reporter, please?
20	dockets are all	20	MR. BOREN: Brad Boren, B-O-R-E-N, and my
21	JUDGE PEARSON: They're all correct. Okay.	21	address or the office address? JUDGE PEARSON: The office address.
22	So the purpose of today's proceeding is to allow each of you an opportunity to explain the	22 23	MR. BOREN: Okay. 718 Griffin Avenue,
23 24		23 24	No. 90, Enumclaw.
24	believe the penalty should be reduced. So I will call	25	JUDGE PEARSON: Okay. And a phone number?
	Page 6	25	
	6		DIRECT TESTIMONY BY MR. BOREN 8
1		1	-
1 2	6	1	DIRECT TESTIMONY BY MR. BOREN 8
1 2 3	6 each of you up to do that individually. And once you're		DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674.
1 2 3 4	6 each of you up to do that individually. And once you're finished, Staff will make a recommendation, and then you	2	DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674. JUDGE PEARSON: And an e-mail address?
1 2 3 4 5	6 each of you up to do that individually. And once you're finished, Staff will make a recommendation, and then you will have an opportunity to briefly respond to that	2 3	DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674. JUDGE PEARSON: And an e-mail address? MR. BOREN: Brad@wattersonexcavating.com.
3 4	6 each of you up to do that individually. And once you're finished, Staff will make a recommendation, and then you will have an opportunity to briefly respond to that recommendation.	2 3 4	DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674. JUDGE PEARSON: And an e-mail address? MR. BOREN: Brad@wattersonexcavating.com. JUDGE PEARSON: Okay. And what position do
3 4 5	6 each of you up to do that individually. And once you're finished, Staff will make a recommendation, and then you will have an opportunity to briefly respond to that recommendation. So in a few minutes I will call each company	2 3 4 5	DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674. JUDGE PEARSON: And an e-mail address? MR. BOREN: Brad@wattersonexcavating.com. JUDGE PEARSON: Okay. And what position do you hold with the company? MR. BOREN: General manager. JUDGE PEARSON: Okay. Okay. So at this
3 4 5 6	6 each of you up to do that individually. And once you're finished, Staff will make a recommendation, and then you will have an opportunity to briefly respond to that recommendation. So in a few minutes I will call each company forward, and at that time I will swear you in with the oath of witness, so anything you tell the Court will be under oath and will be considered sworn testimony.	2 3 4 5 6	DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674. JUDGE PEARSON: And an e-mail address? MR. BOREN: Brad@wattersonexcavating.com. JUDGE PEARSON: Okay. And what position do you hold with the company? MR. BOREN: General manager. JUDGE PEARSON: Okay. Okay. So at this point I will swear you in. If you would please stand
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3 4 5 7 8 9 10 11 12	6 each of you up to do that individually. And once you're finished, Staff will make a recommendation, and then you will have an opportunity to briefly respond to that recommendation. So in a few minutes I will call each company forward, and at that time I will swear you in with the oath of witness, so anything you tell the Court will be under oath and will be considered sworn testimony. And again, with the court reporter recording everything that's said today, please speak slowly and clearly, and please also be sure to use the microphone that's on the table here. You'll know the microphone is	2 3 4 5 6 7 8 9 10 11 12	DIRECT TESTIMONY BY MR. BOREN 8 MR. BOREN: (253) 334-2674. JUDGE PEARSON: And an e-mail address? MR. BOREN: Brad@wattersonexcavating.com. JUDGE PEARSON: Okay. And what position do you hold with the company? MR. BOREN: General manager. JUDGE PEARSON: Okay. Okay. So at this point I will swear you in. If you would please stand and raise your right hand. BRAD BOREN, witness herein, having been first duly sworn on oath,
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DO	CKel NO. DG-160174 - VOI. 1	i une	e Matter of: Woodiand Industries General Contracting, Inc.
	Page 9 DIRECT TESTIMONY BY MR. BOREN 9		Page 11 DIRECT EXAMINATION BY MR. SHEARER / DORROUGH 11
1	to make sure that the two prior no locates were from	1	*** DIRECT EXAMINATION BY MR. SHEARER ***
2	2013; the last one, the third one, was in 2015.	2	BY MR. SHEARER:
3	We've gone through major changes in our	3	Q. Can you please state your name and spell your
4	office, hired a person that does nothing but takes care	4	last name for the record?
5	of this for at least four to six hours a day, between	5	A. My name is Anthony Dorrough, spelled
б	talking to the utility people to get them to the right,	6	D-O-R-R-O-U-G-H.
7	correct spot, because a lot of work that we do is new	7	Q. And Mr. Dorrough, what is your role here at the
8	construction, hard-to-find addresses, things like that,	8	Commission?
9	numerous meetings with our guys.	9	A. I'm a pipeline safety engineer.
10	We've made changes huge changes to make	10	Q. And what was your role here in this docket,
11	sure this doesn't happen through paperwork, through just	11	
12	making sure our guys understand what's going on. We	12	
13	went through some stuff with PSE, just wanted to make	13	
14		14	
15	that it was our third time, but it was and hasn't	15	
16	happened since. Unfortunately, a new employee doing	16	
17	something that he wasn't supposed to do, but with our	17	
18	two previous infractions in 2013, this was the third	18	
19	one.	19	
20	So I understand I just wanted to plead my	20	
21	case and say that we're not taking it lightly and we're	21	says here, if I remember, on July 20th, 2015, was the
22	not just pushing it to the side. We've made huge	22	
23	strides to make sure it doesn't happen again.	23	
24	JUDGE PEARSON: Okay. Thank you.	24 25	
25	Mr. Shearer, do you have any questions for	25	
	DIRECT TESTIMONY BY MR. BOREN 10		DIRECT EXAMINATION BY MR. SHEARER / DORROUGH 12
1	Mr. Boren?	1	
2	MR. SHEARER: No, your Honor.	2	
3	JUDGE PEARSON: Okay. And is Staff prepared	3	
4	to make a recommendation?	4	
5	MR. SHEARER: Yes, your Honor.	5	
6	JUDGE PEARSON: Okay. You can do that at	6	
7	this time. Or did you want to call a witness?	7	
8	MR. SHEARER: I would call Mr. Dorrough to	8	
9 10	explain his recommendation.	9	
10	JUDGE PEARSON: Perfect. And I will just	10	Q. Thank you.
11 12	swear you in. Can you turn your microphone on?	11	
12	MR. DORROUGH: Sure.	13	
14	JUDGE PEARSON: Okay. If you will raise	14	
15		15	
16		110	
	your right hand.	16	MR BOREN. No I don't know it I've seen
17		16	
17 18	ANTHONY DORROUGH, witness herein, having been	17	it, but
17 18 19	ANTHONY DORROUGH, witness herein, having been first duly sworn on oath,		it, but JUDGE PEARSON: Did you give him a copy?
18	ANTHONY DORROUGH, witness herein, having been	17 18	it, but JUDGE PEARSON: Did you give him a copy? MR. SHEARER: Yes.
18 19	ANTHONY DORROUGH, witness herein, having been first duly sworn on oath, was examined and testified	17 18 19	it, but JUDGE PEARSON: Did you give him a copy? MR. SHEARER: Yes. JUDGE PEARSON: Okay. It's in the packet.
18 19 20	ANTHONY DORROUGH, witness herein, having been first duly sworn on oath, was examined and testified	17 18 19 20	it, but JUDGE PEARSON: Did you give him a copy? MR. SHEARER: Yes. JUDGE PEARSON: Okay. It's in the packet. MR. SHEARER: And I have another copy if you
18 19 20 21	ANTHONY DORROUGH, witness herein, having been first duly sworn on oath, was examined and testified as follows:	17 18 19 20 21	it, but JUDGE PEARSON: Did you give him a copy? MR. SHEARER: Yes. JUDGE PEARSON: Okay. It's in the packet. MR. SHEARER: And I have another copy if you need it.
18 19 20 21 22	ANTHONY DORROUGH, witness herein, having been first duly sworn on oath, was examined and testified as follows: JUDGE PEARSON: Okay. You may be seated.	17 18 19 20 21 22	it, but JUDGE PEARSON: Did you give him a copy? MR. SHEARER: Yes. JUDGE PEARSON: Okay. It's in the packet. MR. SHEARER: And I have another copy if you need it. MR. BOREN: It's in this one? Yeah, it's
18 19 20 21 22 23	ANTHONY DORROUGH, witness herein, having been first duly sworn on oath, was examined and testified as follows: JUDGE PEARSON: Okay. You may be seated. Go ahead.	17 18 19 20 21 22 23	it, but JUDGE PEARSON: Did you give him a copy? MR. SHEARER: Yes. JUDGE PEARSON: Okay. It's in the packet. MR. SHEARER: And I have another copy if you need it. MR. BOREN: It's in this one? Yeah, it's not

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	Page 13 DIRECT EXAMINATION BY MR. SHEARER / DORROUGH 13		Pa DIRECT EXAMINATION BY MR. SHEARER / DORROU	age ′ Ј <mark>G</mark> H	
1	and mark it as Exhibit AD-1.	1	A. Correct.		
2	MR. SHEARER: Thank you.	2	MR. SHEARER: Thank you, Mr. Dorrough.		
3	(Exhibit No. AD-1 was marked and	3	MR. DORROUGH: Okay.		
4	admitted into evidence.)	4	MR. SHEARER: I have no further questions,		
5	MR. SHEARER: And while we're doing this,	5	your Honor.		
6	we'll authenticate the second document, Judge Pearson,	6	JUDGE PEARSON: Okay. I have just one		
7	if that's all right.	7	question. I was curious if the dig safety training is		
8	JUDGE PEARSON: Sure.	8	still available. I know that was going on, and that is		
9	BY MR. SHEARER:	9	probably a question for Mr. Dorrough.		
10	Q. I'm going to hand you a second document,	10	MR. DORROUGH: Say that again.		
11	Mr. Dorrough.	11	JUDGE PEARSON: Is the dig law safety		
12	A. Okay.	12	training still available?		
13	Q. Do you recognize that document?	13	MR. DORROUGH: I'm not quite sure.		
14	A. Yes.	14	JUDGE PEARSON: Okay.		
15	Q. And what is that document?	15	MR. DORROUGH: I think it was available, but		
16	A. It is a dirt damage report.	16	I don't know what the status is right now.		
17	Q. Did you rely on this document and review this	17	JUDGE PEARSON: Ms. Holloway is nodding yes,		
18	document in the course of your investigation?	18	that it is still available.		
19	A. Yes, I did.	19	MR. DORROUGH: All right.		
20	MR. SHEARER: Your Honor, I'd move to have	20	JUDGE PEARSON: Is that available on an		
21	this the dirt ticket admitted as well as	21	ongoing basis, Ms. Holloway?		
22	Exhibit AD-2.	22	MS. HOLLOWAY: They don't have set dates,		
23	JUDGE PEARSON: Okay. And Mr. Boren, do you	23	but they usually try to do two, three, four of them a		
24	have any objection?	24	year. Just depends on the schedule of the trainer. But		
25	MR. BOREN: No.	25	that's through the NUCA Dig Safe training, and they		
	Page 14		Pa	age '	16
	DIRECT EXAMINATION BY MR. SHEARER / DORROUGH 14		DIRECT EXAMINATION BY MR. SHEARER / DORROU	GH	16
1	JUDGE PEARSON: Okay. Then I will admit	1	can		
2	that and mark it as Exhibit AD-2.	2	JUDGE PEARSON: Through the what?		
3	(Exhibit No. AD-2 was marked and	3	MS. HOLLOWAY: NUCA.		
4	admitted into evidence.)	4	JUDGE PEARSON: N-U-C-A?		
5	BY MR. SHEARER:	5	MS. HOLLOWAY: Yes.		
6	Q. Now, Mr. Dorrough, what was your recommended	6	JUDGE PEARSON: Okay. Thank you.		
7	penalty in this case?	7	And Mr. Boren, did you want to respond to		
8	A. Okay. My report, because of three previous	8	Staff's recommendation?		
9	violations resulting in a \$4,000 penalty assessment, and	9	MR. BOREN: I just had a question on that.		
10	a demonstrated lack of understanding about following	10	On the training, was that through the 811? I've been in		
11	procedure proper procedure in regard to public	11	contact with Don Evans, and I don't know if that's		
12	safety related to Washington State law	12	something totally separate, but he's through 811, and		
13	(Interruption by the reporter.)	13	PSE is how I was contacted.		
14	MR. DORROUGH: Because of three previous	14	MS. HOLLOWAY: So Don Evans does training		
15	violations resulting in a \$4,000 penalty assessment, a	15	with Washington 811; NUCA Dig Safe training is separate		
16	demonstrated lack of understanding about following	16	from that. You could have Don come in and do training		
17	proper procedure regarding to public safety related to	17	on-site, and then if you want to schedule training,		
18	Washington State law, and a short span of time between	18	like, a full day NUCA Dig Safe training, you can		
19	their penalty assessment in April 2015, Staff recommends	19	schedule that through NUCA. And sometimes the safety		
20	that Watterson be issued a \$10,000 penalty for the	20	committee will also offer Dig Safe training through		
21	latest violation.	21	NUCA, too.		
22	BY MR. SHEARER:	22	JUDGE PEARSON: Okay. Thank you,		
23	Q. And you base your investigation on and your	23	Ms. Holloway. I'm glad you're here.		
		1			
24	recommendation on the dirt report, contact with the	24	Okay. Did you have anything further,		
24 25	recommendation on the dirt report, contact with the utility and contact with the company; is that correct?	24 25	Okay. Did you have anything further, Mr. Boren?		

00	cket No. DG-160174 - Vol. I In	uie	Matter of: Woodland Industries General Contracting, Inc.
	Page 17		Page 19
	DIRECT EXAMINATION BY MR. SHEARER / DORROUGH 17		DIRECT TESTIMONY BY MR. ROGERS 19
1	MR. BOREN: No.	1	were working on another adjacent property for a
2	JUDGE PEARSON: Okay. All right. Nothing	2	different owner, and we were contacted about demolishing
3	further from Staff?	3	a maybe 80-year-old home that had been vacant for, I
4	MR. SHEARER: Nothing further from Staff,	4	think, nearly 30 years. And it wasn't new construction.
5	your Honor.	5	Everything above the ground. No foundation, no footings
6	JUDGE PEARSON: Okay. Thank you. Then	6	or anything on this place.
7	Mr. Boren, you are free to go.	7	Anyway, so we we were in communication
8	MR. BOREN: Okay.	8	with the owner. We'd also walked the site. Because we
9	JUDGE PEARSON: And thank you for coming	9	had the gas company out and the water company out at the
10	this morning. Okay.	10	neighboring properties, we were in communication with
11	And I'll call the next docket, DG-160174,	11	Lakewood Water and we were in communication with Puget
12	Woodland Industries General Contracting, Inc. If you	12	Sound Energy, and there were no utilities on this site.
13	could please come forward. If you could just go ahead	13	They'd been abandoned some 30 plus years ago.
13 14	and take a seat at the table and make sure that the	14	And in the process, I think just a couple
	microphone is turned on.		
15		15	short maybe an hour into doing the project, we came in with our excavator and there was no there was no
16	If you could state your name for the record,	16	
17	spelling your last name.	17	gas utility pipe exposed because it came up inside the
18	MR. ROGERS: Lee Rogers, R-O-G-E-R-S.	18	house, in that they had done an addition, so it was
19	JUDGE PEARSON: Okay. And what's your	19	so we didn't even have any idea that there was a pipe
20	position with the company?	20	there. But regardless, we were under the understanding
21	MR. ROGERS: I'm the general manager.	21	that everything was abandoned at the street.
22	JUDGE PEARSON: Okay. Can you give us an	22	In the process of bringing the equipment
23	address, phone number and e-mail address?	23	around, we rotated the equipment, setting up at one
24	MR. ROGERS: Company address is 10715 66th	24	corner of house, and when we did, it pulled up some
25	Avenue East, Puyallup, Washington 98373.	25	
	Page 18		Page 20
	Page 18 DIRECT TESTIMONY BY MR. ROGERS 18		Page 20 DIRECT TESTIMONY BY MR. ROGERS 20
1	DIRECT TESTIMONY BY MR. ROGERS 18	1	DIRECT TESTIMONY BY MR. ROGERS 20
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2	DIRECT TESTIMONY BY MR. ROGERS 18 JUDGE PEARSON: Okay. And a phone number? MR. ROGERS: (253) 770-9663.	2	DIRECT TESTIMONY BY MR. ROGERS 20 I-don't-know-how-many-year-old many, many, many-year-old gas pipe that was literally at the
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-	MD DOCEDS: At this answe didn't	1	ILIDOE DEADSON: Are you talking about DSE2
1	MR. ROGERS: At this one we didn't.	1	JUDGE PEARSON: Are you talking about PSE?
2	JUDGE PEARSON: Okay. And you said that the	2	MR. ROGERS: Yes.
3	gas pipe was just an inch underground?	3	JUDGE PEARSON: Okay. And so what you're
4	MR. ROGERS: If that. Where it came out of	4	saying is you called for locates on June 19th for that
5	the ground, it was it was at the surface	5	same location where
6	JUDGE PEARSON: Okay.	6	MR. ROGERS: Yes.
7	MR. ROGERS: and completely rusted	7	JUDGE PEARSON: the violation ended up
8	through. You could have a child could have broken	8	occurring?
9	it.	9	MR. ROGERS: Yes. And we were very familiar
10	JUDGE PEARSON: Okay. Okay. Go ahead.	10	with it. We knew where the where the locates were,
11	MR. ROGERS: And that's it for the Lakewood	11	and there was nothing on the site. And we were working
12	address.	12	there for I don't know. We ended up working on the
13	The second address is where they're doing	13	site for about four and a half months.
14	the construction near the Emerald Queen in Tacoma. We	14	JUDGE PEARSON: Okay. And that's why you
15	were doing some work for the Puyallup Tribe at the	15	didn't call for a new locate prior to digging,
16	property where they're doing their new parking garage.	16	because
17	I think this is let's see 20	17	MR. ROGERS: There were there was nothing
18	JUDGE PEARSON: Is it near the parking lot?	18	on the site.
19	MR. ROGERS: The address is 2802 East R	19	JUDGE PEARSON: So what I asked was, when
20	Street, intersecting with East 32nd.	20	you called on June 19th and there were no locates,
21	JUDGE PEARSON: Sorry. And what were you	21	nothing was located, you relied on that when you did the
22	doing there?	22	excavation in September?
23	MR. ROGERS: Same thing. We were	23	MR. ROGERS: There was only water on the
24	demolishing a home.	24	site, and we knew where that was.
25	JUDGE PEARSON: Near a parking garage at the	25	JUDGE PEARSON: Okay.
_			
	Page 22		Page 24
	Page 22 DIRECT TESTIMONY BY MR. ROGERS 22		Page 24 DIRECT TESTIMONY BY MR. ROGERS 24
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1	DIRECT TESTIMONY BY MR. ROGERS 22	1	DIRECT TESTIMONY BY MR. ROGERS 24
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	DIRECT TESTIMONY BY MR. ROGERS 25		CROSS-EXAMINATION BY MR. SHEARER / ROGERS 27
1	this was apparently still a house. It was like I	1	locate ahead of time; is that correct?
2	said, it had been abandoned for well over 30 years.	2	A. Records indicate we did not call in for a
3	JUDGE PEARSON: Okay. But that didn't	3	locate.
4	answer my question.	4	Q. Thank you. That's all on the first instance.
5	So my question was, is your position that	5	On the second instance, the Tacoma I'll refer
6	this type of work that you did didn't technically	6	to it as the Tacoma instance, you testified that the
7	require a locate because you weren't intending to	7	address at the location was 2802 East R Street, Tacoma,
8	MR. ROGERS: My understanding is technically	8	Washington; is that correct?
9	it did not require a locate.	9	A. Yes.
10	JUDGE PEARSON: Okay.	10	Q. And was that the same address that was given in
11	MR. ROGERS: Typically we would anyway	11	the call-in log?
12	because it's similar to a similar to a demolition	12	A. I'm sorry. It's 28 for some reason, my
13	project. But we knew there was no excavation on this	13	secretary had handwritten down 2802, but all of our
14	site, and maybe that's why maybe that's why we	14	records on the project previous to that, our permits and
15	didn't.	15	whatnot, are 2800
16	JUDGE PEARSON: Okay. Thank you.	16	Q. Thank you.
17	MR. ROGERS: But I think there are I'm	17	A and that's the address that we called in.
18	hoping Puget Sound Energy or someone has pictures, but	18	MR. SHEARER: Thank you. I have no further
19	this was this was a surface pipe, and it was like	19	questions, your Honor.
20	I said, it was well over 30 years abandoned.	20	JUDGE PEARSON: Okay. Thank you. Did you
21	JUDGE PEARSON: Okay.	21	want to call your witness?
22	MR. ROGERS: Okay.	22	MR. SHEARER: Yes. Mr. Scott Anderson.
23	JUDGE PEARSON: Thank you.	23	JUDGE PEARSON: Okay. Mr. Anderson, if you
24	Mr. Shearer?	24	could raise your right hand.
25	MR. SHEARER: Just a few brief questions,	25	111
-	Page 26		Page 28
	CROSS-EXAMINATION BY MR. SHEARER / ROGERS 26	1	SCOTT ANDERSON, witness herein, having been
	CROSS-EXAMINATION BY MR. SHEARER / ROGERS 26	1	SCOTT ANDERSON, witness herein, having been first duly sworn on oath.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 your Honor. JUDGE PEARSON: Okay. **** CROSS-EXAMINATION BY MR. SHEARER *** BY MR. SHEARER: Q. I'll split this into the two instances. The first instance I'll call the Lakewood instance for everybody's comprehension. Now, you testified you usually call on locates, is that correct A. Correct. Q for these types of jobs? And you testified that you used an excavator on the site; is that correct? A. That's correct. That's what we used to do a lot of our site cleanups. Q. And you pulled out a bush out of the ground; is that correct? A. 1 Q. Or a bush came out of the ground Q. A bush came out of the ground due to the work you were performing; is that correct? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	first duly sworn on oath, was examined and testified as follows: JUDGE PEARSON: Go ahead and have a seat, sir. And Mr. Shearer, you can proceed when you're ready. MR. SHEARER: Thank you, your Honor. **** DIRECT EXAMINATION BY MR. SHEARER *** BY MR. SHEARER: Q. Could you state your name, Mr. Anderson, and spell your last name for the record? A. Scott Anderson, A-N-D-E-R-S-O-N. Q. And what is your position here at the Commission, Mr. Anderson? A. Pipeline safety engineer. Q. And what is your role in this docket, Docket DG-160174? A. We did the investigation of a dig law violation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 your Honor. JUDGE PEARSON: Okay. *** CROSS-EXAMINATION BY MR. SHEARER *** BY MR. SHEARER: Q. I'll split this into the two instances. The first instance I'll call the Lakewood instance for everybody's comprehension. Now, you testified you usually call on locates, is that correct A. Correct. Q for these types of jobs? And you testified that you used an excavator on the site; is that correct? A. That's correct. That's what we used to do a lot of our site cleanups. Q. And you pulled out a bush out of the ground; is that correct? A. 1 Q. Or a bush came out of the ground Q. A bush came out of the ground due to the work 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	first duly sworn on oath, was examined and testified as follows: JUDGE PEARSON: Go ahead and have a seat, sir. And Mr. Shearer, you can proceed when you're ready. MR. SHEARER: Thank you, your Honor. **** DIRECT EXAMINATION BY MR. SHEARER *** BY MR. SHEARER: Q. Could you state your name, Mr. Anderson, and spell your last name for the record? A. Scott Anderson, A-N-D-E-R-S-O-N. Q. And what is your position here at the Commission, Mr. Anderson? A. Pipeline safety engineer. Q. And what is your role in this docket, Docket DG-160174? A. We did the investigation of a dig law violation. Q. So you have personal knowledge of this docket
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 your Honor. JUDGE PEARSON: Okay. **** CROSS-EXAMINATION BY MR. SHEARER *** BY MR. SHEARER: Q. I'll split this into the two instances. The first instance I'll call the Lakewood instance for everybody's comprehension. Now, you testified you usually call on locates, is that correct A. Correct. Q for these types of jobs? And you testified that you used an excavator on the site; is that correct? A. That's correct. That's what we used to do a lot of our site cleanups. Q. And you pulled out a bush out of the ground; is that correct? A. 1 Q. Or a bush came out of the ground Q. A bush came out of the ground due to the work you were performing; is that correct? A. Yes. In mobilizing the equipment, a bush came 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	first duly sworn on oath, was examined and testified as follows: JUDGE PEARSON: Go ahead and have a seat, sir. And Mr. Shearer, you can proceed when you're ready. MR. SHEARER: Thank you, your Honor. **** DIRECT EXAMINATION BY MR. SHEARER *** BY MR. SHEARER: Q. Could you state your name, Mr. Anderson, and spell your last name for the record? A. Scott Anderson, A-N-D-E-R-S-O-N. Q. And what is your position here at the Commission, Mr. Anderson? A. Pipeline safety engineer. Q. And what is your role in this docket, Docket DG-160174? A. We did the investigation of a dig law violation. Q. So you have personal knowledge of this docket and the information involved?

		uie	maller of. woodiand industries General Contracting, inc.
	Page 29		Page 31
1	A. So	1	second document now, and if you could take a moment and
2	Q and findings? Excuse me.	2	tell me if you recognize that document.
3	A. Basically for the incident that occurred in	3	A. This is the dirt report which is submitted by
4	Tacoma, the East R address, the 2802, I was contacted by	4	PSE for the Lakewood address.
5	Dana Schmidt from Woodland Industries. She basically	5	Q. And did you rely on this document in the course
6	told me that the address was incorrect, and there were	6	of your investigation?
7	also dig tickets that were called in for that location.	7	A. Yes.
8	And then as for the Lakewood address, Dana had	8	MR. SHEARER: I'll move to admit this
9	also had told me that there were they didn't call	9	document as Exhibit SA-2, your Honor.
10	in locates, and she said it was a stump, but it sounds	10	JUDGE PEARSON: Okay. Mr. Rogers, do you
11	like it was a bush. But yeah, when it was when it	11	have any objection?
12	was moved, it pulled the gas line out. And there were	12	MR. ROGERS: Can I see them so I know what
13	no known locates.	13	I'm accepting?
14	Q. And what information did you rely on in the	14	JUDGE PEARSON: Yes.
15	course of your investigation?	15	MR. SHEARER: We did serve I have an
16	A. So we check the dirt report, which is submitted	16	extra copy.
17	by PSE. Also there's a website that we check, the	17	JUDGE PEARSON: Okay.
18	National Ticket Management System, and you can look up	18	MR. SHEARER: We did serve copies.
19	dates, company names, and it basically just gives you	19	(Brief discussion off the record.)
20	information of did they call in for that date for that	20	MR. ROGERS: Yes. I'm okay with that.
21	location. And I also also contact with company.	21	JUDGE PEARSON: Okay. Then I will go ahead
22	MR. SHEARER: So I'm going to go through and	22	and admit that and mark it as Exhibit SA-2.
23	authenticate the documents now.	23	(Exhibit No. SA-2 was marked and
24	JUDGE PEARSON: Sure.	24	admitted into evidence.)
25	MR. SHEARER: We'll get that out of the way.	25	///
	Page 30		Page 32
1	BY MR. SHEARER:	1	BY MR. SHEARER:
2	Q. Mr. Anderson, I'm going to hand you a document	2	Q. I'm going to hand you a third document now,
3	here.	3	Mr. Anderson.
4	Do you recognize this document?	4	Do you recognize this document?
5	A. Yeah. This is the incident investigation form.	5	A. Yeah. This is another dirt report submitted by
6	It's the basically, it's the form we fill out to	6	PSE for the Tacoma address.
7	basically tell our chief engineer that these companies,	7	Q. And what address is indicated on there?
8	this happened with the dig law. I mean, as a	8	A. 2800 East R Street, Tacoma.
9	description, facts, causes, and then regulatory analysis	9	Q. And did you rely on this document in the course
10	and then what Staff recommends.	10	of your investigation?
11	Q. And does this document accurately reflect your	11	A. Yes.
12	investigation and findings in this docket?	12	MR. SHEARER: I move to admit that document
13	A. Yes.	13	as Exhibit SA-3, your Honor.
14	MR. SHEARER: Your Honor, I'll move to admit	14	JUDGE PEARSON: Okay. Mr. Rogers, do you
15	this dirt ticket as Exhibit or excuse me this	15	have any objection?
	this dirt ticket as Exhibit or excuse me this		
16	investigation report as Exhibit SA-1.	16	MR. ROGERS: No.
16 17		16 17	MR. ROGERS: No. JUDGE PEARSON: Hmm?
	investigation report as Exhibit SA-1.		
17	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any	17	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection. JUDGE PEARSON: Okay. Then I will go ahead
17 18	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any objection?	17 18	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection.
17 18 19	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any objection? MR. ROGERS: No.	17 18 19	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection. JUDGE PEARSON: Okay. Then I will go ahead
17 18 19 20	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any objection? MR. ROGERS: No. JUDGE PEARSON: Okay. I will go ahead and	17 18 19 20	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection. JUDGE PEARSON: Okay. Then I will go ahead and admit that exhibit and mark it as SA-3.
17 18 19 20 21	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any objection? MR. ROGERS: No. JUDGE PEARSON: Okay. I will go ahead and admit that and mark it as Exhibit SA-1.	17 18 19 20 21 22	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection. JUDGE PEARSON: Okay. Then I will go ahead and admit that exhibit and mark it as SA-3. (Exhibit No. SA-3 was marked and
17 18 19 20 21 22	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any objection? MR. ROGERS: No. JUDGE PEARSON: Okay. I will go ahead and admit that and mark it as Exhibit SA-1. (Exhibit No. SA-1 was marked and admitted into evidence.) BY MR. SHEARER:	17 18 19 20 21 22	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection. JUDGE PEARSON: Okay. Then I will go ahead and admit that exhibit and mark it as SA-3. (Exhibit No. SA-3 was marked and admitted into evidence.)
17 18 19 20 21 22 23	investigation report as Exhibit SA-1. JUDGE PEARSON: Okay. Do you have any objection? MR. ROGERS: No. JUDGE PEARSON: Okay. I will go ahead and admit that and mark it as Exhibit SA-1. (Exhibit No. SA-1 was marked and admitted into evidence.)	17 18 19 20 21 22 23	JUDGE PEARSON: Hmm? MR. ROGERS: I have no objection. JUDGE PEARSON: Okay. Then I will go ahead and admit that exhibit and mark it as SA-3. (Exhibit No. SA-3 was marked and admitted into evidence.) BY MR. SHEARER:

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	Page 33		Page 35
1	Do you recognize this document?	1	admit this document as Exhibit SA-5, please.
2	A. Yeah. This is the first dig ticket dated	2	JUDGE PEARSON: Mr. Rogers, any objection?
3	June 19, 2015, for the Tacoma address.	3	MR. ROGERS: I'm confused. Are we referring
4	Q. And this stems from a national database that	4	to the document that says original call-in date
5	records all the dig call-in requests for in the Call	5	June 19th?
6	Before You Dig program; is that correct?	6	MR. SHEARER: No.
7	A. Yes.	7	JUDGE PEARSON: No. It's the next document
8	Q. And did you review this document and rely on	8	that says original call date 9/22.
9	this document in the course of your investigation?	9	MR. ROGERS: Did I miss did we include
10	A. Yes.	10	the document previous to that that was June 19th?
11	MR. SHEARER: I would move to admit that	11	JUDGE PEARSON: We did.
12	document as Exhibit SA-4, your Honor.	12	MR. ROGERS: Okay. Sorry. I missed that.
13	JUDGE PEARSON: Okay. Mr. Rogers?	13	Yes, I'm okay with this.
14	MR. ROGERS: My only concern here is, I	14	JUDGE PEARSON: Okay. Then I will admit
15	think this was the confusion with the 2800 and 2802.	15	that and mark it as Exhibit SA-5.
16	Like I said, my secretary had handwritten on my notes	16	(Exhibit No. SA-5 was marked and
17	here 2802. I think that's the address you guys are	17	admitted into evidence.)
18	using. All of our documents, our permits, everything	18	BY MR. SHEARER:
19	for this site, including the owner-provided information,	19	Q. Now, I'll quickly recap your investigation,
20	is 2800. Either way, it's the same address.	20	Mr. Anderson.
21	JUDGE PEARSON: Okay. So you have no	21	On the first instance, the Lakewood instance as
22	objection then?	22	we're referring to it, you relied on the dirt ticket
23	MR. ROGERS: No.	23	submitted by the utility, correct?
24	JUDGE PEARSON: Okay. Then I will admit	24	A. Yes.
25	that and mark it as Exhibit SA-4.	25	Q. The a conversation with Ms. Schmidt from the
	Page 34		Page 36
1	Page 34 (Exhibit No. SA-4 was marked and	1	Page 36 company here today; is that correct?
1	-	1 2	6
	(Exhibit No. SA-4 was marked and		company here today; is that correct?
2	(Exhibit No. SA-4 was marked and admitted into evidence.)	2	company here today; is that correct? A. Yes.
2 3	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is	2 3	company here today; is that correct? A. Yes. Q. And you relied on the national database that
2 3 4	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have.	2 3 4	company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct?
2 3 4 5	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different,	2 3 4 5 6	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes.
2 3 4 5 6	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor	2 3 4 5 6	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the
2 3 4 5 6 7	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay.	2 3 4 5 6 7	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What
2 3 4 5 6 7 8	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay. MR. SHEARER: that recorded the call-in.	2 3 4 5 6 7 8	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What documents did you rely on and what information did you
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2 3 4 5 6 7 8 9 10 11	(Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay. MR. SHEARER: that recorded the call-in. JUDGE PEARSON: I see. Okay. MR. SHEARER: There was a second call-in. BY MR. SHEARER:	2 3 4 5 6 7 8 9 10 11	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What documents did you rely on and what information did you rely on? A. The same same type of documents. The dirt report, the National Ticket Management System website,
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2 3 4 5 6 7 8 9 10 11 12 13	 (Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay. MR. SHEARER: that recorded the call-in. JUDGE PEARSON: I see. Okay. MR. SHEARER: There was a second call-in. BY MR. SHEARER: Q. I'm going to hand you a fifth document now, Mr. Anderson. 	2 3 4 5 6 7 8 9 10 11 12 13	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What documents did you rely on and what information did you rely on? A. The same same type of documents. The dirt report, the National Ticket Management System website, contact with the company. Q. Thank you. And what is your penalty
2 3 4 5 6 7 8 9 10 11 12 13 14	 (Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay. MR. SHEARER: that recorded the call-in. JUDGE PEARSON: I see. Okay. MR. SHEARER: There was a second call-in. BY MR. SHEARER: Q. I'm going to hand you a fifth document now, Mr. Anderson. Do you recognize this document? 	2 3 4 5 6 7 8 9 10 11 12 13 14	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What documents did you rely on and what information did you rely on? A. The same same type of documents. The dirt report, the National Ticket Management System website, contact with the company. Q. Thank you. And what is your penalty recommendation in this case, Mr. Anderson?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 (Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay. MR. SHEARER: that recorded the call-in. JUDGE PEARSON: I see. Okay. MR. SHEARER: There was a second call-in. BY MR. SHEARER: Q. I'm going to hand you a fifth document now, Mr. Anderson. Do you recognize this document? A. Yeah. This is the locate ticket for it's 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What documents did you rely on and what information did you rely on? A. The same same type of documents. The dirt report, the National Ticket Management System website, contact with the company. Q. Thank you. And what is your penalty recommendation in this case, Mr. Anderson? A. The penalty was \$2,000.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 (Exhibit No. SA-4 was marked and admitted into evidence.) JUDGE PEARSON: It looks like SA-5 is identical to SA-4 in the copy that I have. MR. SHEARER: The dates are different, your Honor JUDGE PEARSON: Oh, okay. MR. SHEARER: that recorded the call-in. JUDGE PEARSON: I see. Okay. MR. SHEARER: There was a second call-in. BY MR. SHEARER: Q. I'm going to hand you a fifth document now, Mr. Anderson. Do you recognize this document? A. Yeah. This is the locate ticket for it's September 22nd, 2015, which is when the damage occurred. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 company here today; is that correct? A. Yes. Q. And you relied on the national database that indicated the call-in records; is that correct? A. Yes. Q. Okay. And what and for the instance the Tacoma instance well, I'll let you say. What documents did you rely on and what information did you rely on? A. The same same type of documents. The dirt report, the National Ticket Management System website, contact with the company. Q. Thank you. And what is your penalty recommendation in this case, Mr. Anderson? A. The penalty was \$2,000. Q. And why?
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	Page 37 37		Page 39 39
1	MR. SHEARER: Thank you, Mr. Anderson. I	1	court reporter.
2		2	MR. MOORE: Larry Moore, M-o-o-r-e.
3	JUDGE PEARSON: Okay. Mr. Rogers, did you	3	JUDGE PEARSON: Okay. And your address,
4	want to respond to Staff's recommendation?	4	please?
5		5	MR. MOORE: It's 85147 Highway 11,
6	site, the disruption that happened, it wasn't it	6	P.O. Box 168, Milton-Freewater, Oregon.
7	wasn't a negligent act, but it was a it happened. I	7	JUDGE PEARSON: Okay. And your phone number
8	don't know if we would have located hopefully, if we	8	and e-mail address?
9	would have had locates, it would have made a difference.	9	MR. MOORE: (509) 525-3231. And e-mail is
0	I want to believe that that's the fix to it. We try not	10	tredoc@hotmail.com.
1	to let that happen, but it wasn't a negligent act. We	11	JUDGE PEARSON: Okay. Can you tell me your
.2	weren't out there digging. It was not a clearing	12	first name again?
.3	project by any means. It was intended to have	13	MR. MOORE: Larry.
.4	excavation done.	14	JUDGE PEARSON: Larry. Okay. Larry Moore.
.5	On the second project, I I feel like we	15	And what position do you hold with the company?
.6	were the site in Tacoma, the 2800 or 2802, it was the	16	MR. MOORE: I'm the owner.
.7	only house on it was the only house on East R Street,	17	JUDGE PEARSON: Okay. Okay. And if you
8	the only structure, period, on East R Street. It's a	18	could stand and raise your right hand, I will swear you
.9	it's a two-block piece of property. The entire piece of	19	in.
0	property is two square full blocks that we were working	20	
1	on.	21	LARRY MOORE, witness herein, having been
2		22	first duly sworn on oath,
3	supposed to do. We did our locates in June, and it	23	was examined and testified
4	turned up nothing on the site. And the the gas line	24	as follows:
25	that they found was not affiliated with our house. It	25	///
	Page 38		Page 40
	38		DIRECT TESTIMONY BY MR. MOORE 40
1	was it was with something else that was on the		
2	-	1	JUDGE PEARSON: Okay. Go anead and be
	property, or it was just too close to the surface or	1 2	JUDGE PEARSON: Okay. Go ahead and be seated, and you can proceed whenever you're ready.
3	property, or it was just too close to the surface or whatever. But I do remember Puget Sound Energy telling		seated, and you can proceed whenever you're ready. *** DIRECT TESTIMONY BY MR. MOORE ***
3 4	whatever. But I do remember Puget Sound Energy telling	2	seated, and you can proceed whenever you're ready.
	whatever. But I do remember Puget Sound Energy telling us they had no information of this particular gas line.	2 3	seated, and you can proceed whenever you're ready. *** DIRECT TESTIMONY BY MR. MOORE ***
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25 same; they just lowered the grade. 25 gas lines, you do not know at what grade they are. If	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the sidewalk, and there's a step-up at the sidewalk that goes into the house. JUDGE PEARSON: Yes, I can see that. MR. MOORE: Okay. Well, I think that, according to the report, that they're being disingenuous, because they said that it was outside of the excavation area. The whole point of them doing this excavation was to take that wall out of there and excavate that yard down. That's the reason they took the tree out so was so they could excavate the yard down. JUDGE PEARSON: So I have a question. Are these before and after pictures? MR. MOORE: They are. JUDGE PEARSON: Okay. MR. MOORE: They are. JUDGE PEARSON: So this is a picture before the work was done? MR. MOORE: That's correct. JUDGE PEARSON: And this is a picture after? MR. MOORE: A picture after the work. JUDGE PEARSON: So they changed the front of the building?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	sidewalk was to be excavated, that wall was to be excavated, the yard was to be excavate. JUDGE PEARSON: So when you say "they," who do you mean? MR. MOORE: The gas company. JUDGE PEARSON: So the gas company what was? MR. MOORE: Cascade Natural Gas. JUDGE PEARSON: Cascade said that there were no gas lines in the yard? MR. MOORE: They did not mark any gas lines in the yard. JUDGE PEARSON: Okay. Go ahead. MR. MOORE: When I I went I was supposed to take the tree out. I wasn't supposed to take the stump out. Whitman was going to take the stump out, and they were going to dig it out, and they are the ones that called for the locate. So when I went, it was on the 2nd of July, they were trying to get this thing done because they had the sidewalk, they were excavating that. That gas line crossed the sidewalk, crossed that wall, and went up in the yard. And you probably don't know, but the
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	DIRECT TESTIMONY BY MR. MOORE	Page 45 45		Page 47 DIRECT TESTIMONY BY MR. MOORE 47
1	you're talking about a power line, you know that it's	at	1	removing the stump and that's when this happened?
2	three feet deep, and a water line is going to be two		2	MR. MOORE: That's when it happened.
3	feet deep. A gas line can be on the surface or it ca	n	3	JUDGE PEARSON: Okay.
4	be two feet deep; you just never know where it's go	ing	4	MR. MOORE: And when I called I wasn't
5	to be.		5	on-site. I had left and my my worker went and got
6	And so for them to say that they didn't mark		6	the stump grinder and came back to grind the stump. And
7	that because or that they would have found it if		7	because it was late in the evening, it was 6:30 or 7:00,
8	they'd known there was a stump there, well, they kn	new	8	that because they were going to work on that the next
9	they were excavating that wall. They knew they we	ere	9	day, and then he called me and said, hey, I think I hit
10	excavating that sidewalk. That gas line could have	been	10	a gas line.
11	right there, and, in fact, it wasn't very deep.		11	And so I immediately called Scott from
12	JUDGE PEARSON: Okay.		12	Whitman College, and I said, hey, Manual says he hit a
13	MR. MOORE: Okay. I understand that this		13	gas line up there, and he says, no, no, he didn't. I
14	doesn't change the fact that we didn't call for a		14	don't know what he hit, but he didn't hit a gas line,
15	locate. I'm just giving you the reasoning that we we		15	because the gas people told me they all come in from the
16	by, because I knew that Scott had just gotten a loca	ate	16	alley in the back. There's nothing out there.
17	for that excavation there.		17	JUDGE PEARSON: Okay.
18	JUDGE PEARSON: Who is that?		18	MR. MOORE: One of the other things I
19	MR. MOORE: Scott is the guy from Whitma	an	19	noticed is that the staff said that there was a high
20	College.		20	likelihood that this would happen again. Well, I've
21	JUDGE PEARSON: Okay.		21	been there for 37 years, and this hasn't happened. So I
22	MR. MOORE: And I had talked to him that		22	don't know what where how you determine what a
23	day, and he said, I already got a locate and there's		23	high likelihood is. If it happened once, well, then it
24	nothing there. All of the gas lines come in from the		24	must surely gonna be happening again. And it might
25	alley behind that building. And, in fact, all of the		25	
25		Page 46 46	25	happen again in another 37 years, I don't know. Page 48 DIRECT TESTIMONY BY MR. MOORE 48
25	DIRECT TESTIMONY BY MR. MOORE	-	1	Page 48 DIRECT TESTIMONY BY MR. MOORE 48
		-		Page 48
1	DIRECT TESTIMONY BY MR. MOORE other buildings on that block are fed from the alley,	-	1	Page 48 DIRECT TESTIMONY BY MR. MOORE 48 But they said in their report that since
1 2	DIRECT TESTIMONY BY MR. MOORE other buildings on that block are fed from the alley, but that one was not.	-	1 2	Page 48 DIRECT TESTIMONY BY MR. MOORE 48 But they said in their report that since that time that we had done another excavation without a
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	CKET NO. DG-160174 - VOI. I	n ine	Matter of: woodland industries General Contracting, Inc.					
	Page 49		Page 51					
	CROSS-EXAMINATION BY MR. SHEARER / MOORE 49		DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 51					
1	it's a little bit of a burn to me to have them say it's	1	DEREK NORWOOD, witness herein, having been					
2	a high likelihood that this will happen again. That's	2	first duly sworn on oath,					
3	ludicrous in my opinion.	3	was examined and testified					
4	JUDGE PEARSON: Okay. Thank you.	4	as follows:					
5	Mr. Shearer, do you have any questions for	5						
6	Mr. Moore?	6	JUDGE PEARSON: Go ahead, Mr. Shearer.					
7	MR. SHEARER: Just a couple brief questions,	7	*** DIRECT EXAMINATION BY MR. SHEARER ***					
8	your Honor.	8	BY MR. SHEARER:					
9	*** CROSS-EXAMINATION BY MR. SHEARER ***	9	Q. Mr. Norwood, could you state your name and spell					
10	BY MR. SHEARER:	10	your name last name for the record?					
11	Q. Those pictures that you handed up to the to	11	A. Derek Norwood, N-O-R-W-O-O-D.					
12	Judge Pearson there, what was the address of that	12						
13	building?	13	Mr. Norwood?					
	A. I have no idea.		A. I'm a pipeline safety engineer.					
14		14						
15	Q. No idea. Next, was there were you present when Whitman asked for a locate from Cascade Natural	15	Q. And what was your role in this docket, Docket DG-160328?					
16		16						
17	Gas?	17	A. I was the assigned investigator to this to					
18	A. No.	18	this incident, so I reviewed reports from Cascade, as					
19	Q. Were you present when Cascade came and did the	19	well as had a phone conversation with Larry Moore to, I					
20	locate for Whitman or talked to this gentleman Scott you	20	guess, collect the facts, collect information regarding					
21	referred to?	21	the incident.					
22	A. No.	22	Q. And can you summarize your investigations and					
23	Q. So all your information just came through your	23	findings in the course of that investigation?					
24	•	24	A. Yeah. So I reviewed dirt reports submitted by					
25	from Whitman College; is that correct?	25	Cascade Natural Gas stating that Town & Country had					
	Page 50)	Page 52					
	Page 50 CROSS-EXAMINATION BY MR. SHEARER / MOORE 50		Page 52 DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 52					
1	CROSS-EXAMINATION BY MR. SHEARER / MOORE 50		DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 52					
1	CROSS-EXAMINATION BY MR. SHEARER / MOORE 50 A. All of my information?	1	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 52 damaged the gas line, as well as their they submit a					
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			Daga 55				
	Page 53 DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 53		Page 55 DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 55				
1	A. Correct.	1	indicating that they didn't mark it.				
2	MR. SHEARER: Thank you, Mr. Norwood.	2	JUDGE PEARSON: Is that what that indicates,				
3			or does it indicate that the locate was not called in?				
4	proposed exhibits, your Honor.	4	4 THE WITNESS: I think it indicates there				
5			were no there were no marks visible, so that could				
6	MR. SHEARER: So very similar routine as the	6	mean that there were no locates or it could mean				
7	previous two.	7	JUDGE PEARSON: Oh, okay.				
8	BY MR. SHEARER:	8	THE WITNESS: the paint had worn off, or				
9	Q. Mr. Norwood, do you recognize this document?	9	it could be a number of things. So they got out there,				
10	A. Yes.	10	they didn't see locates on the ground.				
11	Q. And what is that document?	11	JUDGE PEARSON: Okay.				
12	A. That's our internal investigation form	12	BY MR. SHEARER:				
13	summarizing my findings and the process of the	13	Q. I'm going to hand you a third document now,				
14	investigation.	14	Mr. Norwood.				
15	Q. And this document accurately reflects your	15	JUDGE PEARSON: Hold on. Are you okay with				
16	investigation and findings in this docket?	16	that document?				
17	A. Yes.	17	MR. MOORE: Yeah. Yes.				
18	MR. SHEARER: I would move to admit that as	18	JUDGE PEARSON: Then I will admit that and				
19	Exhibit DN-1, your Honor.	19	mark at as Exhibit DN-2.				
20	JUDGE PEARSON: Okay. Mr. Moore, do you	20	(Exhibit No. DN-2 was marked and				
21	have any objection to admitting this?	21	admitted into evidence.)				
22	MR. MOORE: No.	22	BY MR. SHEARER:				
23	JUDGE PEARSON: Okay. I will admit it and	23	Q. Now I'm going to hand you a third document,				
24	mark it as Exhibit DN-1.	24	Mr. Norwood.				
25	111	25	Do you recognize this document?				
	Page 54		Page 56				
	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 54		DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56				
1	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 54 (Exhibit No. DN-1 was marked and	1	C C				
1 2		1	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56				
	(Exhibit No. DN-1 was marked and		DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56 A. Yes. This is the document that Cascade Natural				
2	(Exhibit No. DN-1 was marked and admitted into evidence.)	2	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56 A. Yes. This is the document that Cascade Natural Gas is required to send to us for incidents of this				
2 3 4	(Exhibit No. DN-1 was marked and admitted into evidence.) BY MR. SHEARER:	2 3	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56 A. Yes. This is the document that Cascade Natural Gas is required to send to us for incidents of this type.				
2 3 4	(Exhibit No. DN-1 was marked and admitted into evidence.) BY MR. SHEARER: Q. And then a second document I'm going to hand	2 3 4	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56 A. Yes. This is the document that Cascade Natural Gas is required to send to us for incidents of this type. Q. And what does this document show?				
2 3 4 5	(Exhibit No. DN-1 was marked and admitted into evidence.) BY MR. SHEARER: Q. And then a second document I'm going to hand you, Mr. Norwood.	2 3 4 5	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 56 A. Yes. This is the document that Cascade Natural Gas is required to send to us for incidents of this type. Q. And what does this document show? A. It shows that there was damage to their				
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		Page 57		Page	59
	DIRECT EXAMINATION BY MR. SHEARER / NORV	VOOD 57		DIRECT EXAMINATION BY MR. SHEARER / NORWOOD	59
1	Q. And that indicates that Whitman College was, in		1	for first-time violators that \$1,000 was a pretty	
2	fact, the party that requested the locate; is that		2	reasonable amount. And for a majority of excavators, it	
3	correct?		3	is a pretty minimal penalty in these cases.	
4	A. Yes.		4	Q. A balance of the need to have a penalty versus	
5	Q. And did you rely on this document in the course)	5	being overly punitive; is that A. Correct.	
6	of your investigation? A. Yes.		6		
7	MR. SHEARER: Your Honor, I would move to		7	Q an accurate summary? A. Yes.	
8 9	admit that as Exhibit DN-4.		9	MR. SHEARER: Thank you. I have no further	
10	JUDGE PEARSON: Okay. Mr. Moore?		10	questions for Mr. Norwood, your Honor.	
11	MR. MOORE: No, no objection.		11	JUDGE PEARSON: Okay. I do think it would	
12	JUDGE PEARSON: Okay. I will admit that and		12	be helpful for me to see the photos of the boundaries,	
13	mark it as Exhibit DN-4.		13	because when I read Exhibit DN-4, where it talks about	
14	(Exhibit No. DN-4 was marked and		14	the location of the work, it describes the areas marked	
15	admitted into evidence.)		15	in white in front of the multiple addresses, and says,	
16	BY MR. SHEARER:		16	locating from the street to the water meters in front of	
17	Q. And I want to touch base on one item Mr. Moore		17	these addresses, but I have no way of knowing where the	
18	mentioned in direct or cross-examination.		18	water meters are on the property.	
19	A. Um-hmm.		19	THE WITNESS: Yeah. I don't specifically	
20	Q. And that is that Cascade indicated to him that		20	I don't know where the water meters are specifically,	
21	it had been their mistake not to mark this location.		21	and I don't think you're going to get that from the	
22	Was that your did Cascade indicate anything		22	pictures. But yeah, I can show you what I've got.	
23	of that sort to you, or do any of the documents you		23	MR. SHEARER: I can hand them up if you	
24	reviewed indicate that conclusion?		24	want.	
25	A. None of the documents I reviewed indicated that.		25	THE WITNESS: Yeah. Or if we want to if	
		Page 58		Page	60
	DIRECT EXAMINATION BY MR. SHEARER / NORV	-		DIRECT EXAMINATION BY MR. SHEARER / NORWOOD	
1	Larry Moore had told me the same thing over the phone,		1	we need to include all of them, we can, but these are	
2	so I brought that issue up to Cascade Natural Gas, and		2	the two I thought the most relevant.	
3	they, from their from that conversation, they said		3	MR. SHEARER: Your Honor, I would ask if	
4	that was never the case, that he knew the line was		4	you want me, I am happy to take a short recess and make	
5	there, but they didn't locate it because of the		5	copies and Mr. Norwood can walk through what so	
6	boundary. The locates had a wide boundary where lines		6	everyone's looking at the same thing, or we can just	
7	need to be located, and this locate ticket didn't have		7	hand them up to you now.	
8	this tree stump included in that.		8	JUDGE PEARSON: I'd just like to glance at	
9	Q. And did Cascade provide you with any further		9	them, and of course Mr. Moore can have an opportunity to	
10	evidence of their position?		10	look at them, too. And I am going to consider these	
11	A. Yes. I have pictures showing boundaries from		11	photos as well as the ones that Mr. Moore provided just	
12	Cascade showing the white paint on the ground where the	9	12	for illustrative purposes without making them part of	
13	locates were requested, so I don't know if we need to		13	the record.	
14	I mean, I can show or		14	MR. MOORE: So there should be a yellow mark	
15	Q. Well, we'll leave that to Judge Pearson if she		15	that crosses that sidewalk.	
16	decides she'd like to see that, but you can provide that	ıt	16	JUDGE PEARSON: That's not visible in these	
17	on request, if necessary, Mr. Norwood; is that correct	?	17	photos?	
18	A. Yeah, I have that available.		18	MR. MOORE: There is no yellow mark.	
19	Q. Okay. Lastly, I want to go into the issue of		19	JUDGE PEARSON: Okay.	
20	the penalty.		20	MR. MOORE: They did not locate it.	
21	What was your recommended penalty in this cas	e?	21	JUDGE PEARSON: I'll hand these back.	
22	A. The recommended penalty was \$1,000.		22	MR. SHEARER: Did you need any other	
23	Q. And why did you recommend that amount,		23	explanation?	
24	Mr. Norwood?		24	JUDGE PEARSON: Well, I can see where the	
24 25				JUDGE PEARSON: Well, I can see where the stump is on the photo and it	

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	Page 6 DIRECT EXAMINATION BY MR. SHEARER / NORWOOD		Page 63 DIRECT EXAMINATION BY MR. SHEARER / NORWOOD 63
1	THE WITNESS: In one of the pictures, you	1	within the boundary of the locate, because the locate
2	can see there's white marks. That's the boundary where	2	covered all of these addresses all the way down the
3	the locates are.	3	street clear up to that corner.
4	JUDGE PEARSON: And it's behind the fire	4	JUDGE PEARSON: Right. That's what it looks
5	hydrant?	5	like from the description.
б	THE WITNESS: Yes.	6	MR. MOORE: And that service line well,
7	JUDGE PEARSON: Okay.	7	you can see from where the tree is in relationship to
8	THE WITNESS: And then well, you can kind	8	the sidewalk on the side, you know, it's over about five
9	of cross-reference with, I think, the back page there,	9	or six feet in the yard, and that's where that service
10	you can see right along the retaining wall, there's a	10	line crossed this sidewalk and went right up that yard
11	locate that heads down the street. Like he said,	11	underneath the tree to behind the house.
12	there's no yellow paint, so I don't know if it's outside	12	JUDGE PEARSON: Okay.
13	that boundary or if it's inside, so	13	MR. MOORE: The gas meter, if you look at
14	JUDGE PEARSON: But there was a yellow mark	14	that one the one picture, you'll see they have a walk
15	in his photo.	15	that comes out it's it comes out and goes down,
16	THE WITNESS: Okay. I haven't seen that.	16	and the gas line goes underneath that walk and comes to
17	JUDGE PEARSON: Did you want to take a look	17	the meter behind.
18	at these?	18	JUDGE PEARSON: Okay. Mr. Norwood, do you
19	THE WITNESS: Yeah.	19	have anything further to add?
20	JUDGE PEARSON: So the white mark represents	20	THE WITNESS: No.
21	the area and the boundary that Whitman was requesting	21	JUDGE PEARSON: Okay.
22	locates performed	22	THE WITNESS: No.
23	THE WITNESS: Yes.	23	JUDGE PEARSON: And Mr. Moore, did you want
24	JUDGE PEARSON: for that area?	24	to respond to Staff's recommendation?
25	THE WITNESS: Correct.	25	MR. MOORE: Well, I don't know if there's a
	Page 6	62	Page 64
	•		
	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD	62	64
1	DIRECT EXAMINATION BY MR. SHEARER / NORWOOD	52	64 purpose to that or if it's just to create pain. I'm not
1 2			
	JUDGE PEARSON: They don't actually indicate	1	purpose to that or if it's just to create pain. I'm not
2	JUDGE PEARSON: They don't actually indicate the locates themselves?	1	purpose to that or if it's just to create pain. I'm not sure.
2 3	JUDGE PEARSON: They don't actually indicate the locates themselves? THE WITNESS: No. It indicates the boundary	1 2 3	purpose to that or if it's just to create pain. I'm not sure. JUDGE PEARSON: Okay.
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3	STATE OF WASHINGTON) COUNTY OF KING)			
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7	I, ANITA W. SELF, a Certified Shorthand Reporter			
8	in and for the State of Washington, do hereby certify			
9	that the foregoing transcript is true and accurate to			
10	the best of my knowledge, skill and ability.			
11	IN WITNESS WHEREOF, I have hereunto set my hand			
12	and seal this 5th day of July, 2016.			
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17	ANITA W. SELF, RPR, CCR #3032			
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