



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 • www.utc.wa.gov

June 24, 2015

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. Blade Excavation.*
Commission Staff's Recommendation to Suspend Penalties
Docket DG-144098

Dear Mr. King:

On April 13, 2015, the Utilities and Transportation Commission issued a \$3,000.00 Penalty Assessment in Docket DG-144098 against Jeremy Kysar, d/b/a Blade Excavation (Blade Excavation) for three violations of RCW 19.122.030(1)(a), for failing to request a dig ticket prior to performing an excavation on three separate occasions. RCW 19.122.055(1)(a) states, in part, that any excavator who fails to notify a one-number locator service and causes damage to a hazardous liquid or gas facility is subject to a civil penalty of not more than ten thousand dollars for each violation.

On May 1, 2015, Blade Excavation wrote the commission requesting mitigation of penalties, stating that two of the damage incidents were the same event. In staff's response to Blade Excavation's mitigation request, a correction was made to an incorrect address identified in the initial penalty assessment. Due to this new information, Blade Excavation was issued a Notice to Respond to Staff's Amended Response, with a response due date of June 17, 2015.

Because of a severe personal tragedy experienced by Mr. Kysar, Blade Excavation missed the date to respond to the new information. Order 01 denying mitigation was issued on June 18, 2015, ordering Blade Excavation to pay the entire \$3,000 Penalty Assessment by June 29, 2015.

Upon being made aware of Mr. Kysar's situation, staff researched the company further and found that Blade Excavation has not damaged natural gas, without a utility locate, since December 2013. In addition, the company has requested over 60 utility locates in the past 18 months.

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As it appears that Blade Excavation has changed its business practices to ensure utility locates are requested prior to excavation, staff recommends the penalty of \$3,000 be suspended on the condition that Jeremy Kysar, d/b/a Blade Excavation, commit no further violations of RCW 19.122.030 within the next 12 months.

If you have any questions regarding this recommendation, please contact Lynda Holloway at (360) 664-1118, or lhollowa@utc.wa.gov.

Sincerely,



David D. Lykken
Pipeline Safety Director