



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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December 14, 2020

RE: *In the Matter of the Penalty Assessment Against Active Environmental, Inc., in the Amount of \$1,000, Docket DG-190887*

TO ALL PARTIES:

On November 12, 2019, the Washington Utilities and Transportation Commission (Commission) assessed a \$1,000 penalty (Penalty Assessment) against Active Environmental, Inc., (Active Environmental or Company) for one violation of Revised Code of Washington (RCW) 19.122.030(2). In the Penalty Assessment, the Commission offered the Company the option to suspend, and ultimately waive, the penalty subject to the conditions that (1) Company owner and field supervisors attend Dig Safe training provided through the National Utility Contractors Association (NUCA) within 12 months of the date of the Penalty Assessment; and (2) the Company commit no further violations of RCW 19.122 within 12 months from the date of the Penalty Assessment.

On January 14, 2020, the Company paid the \$1,000 penalty and notified the Commission that it accepted the remaining conditions. The Commission accepted the Company's late request for suspension of the penalty and refunded the payment on January 21, 2020.

On December 3, 2020, Commission staff (Staff) filed a letter recommending the Commission waive the \$1,000 suspended penalty and close the docket. Staff believes the Active Environmental has not committed any further violations of RCW 19.122 and although the Company's owner and field supervisors have not attended NUCA Dig Safe training, Staff believes this is because of COVID-19 impacts on training availability and recommends the Commission waive this condition.

The Commission agrees that Active Environmental has sufficiently complied with the conditions of the penalty suspension. The Commission waives the requirement that Company field crew attend NUCA Dig Safe training due to lack of training availability as a result of

the COVID-19 pandemic. The \$1,000 suspended penalty is thus waived, and this docket is closed.

MARK L. JOHNSON
Executive Director and Secretary