

Service Date: April 1, 2026

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: D-260116

PENALTY AMOUNT: \$2,000

Investigation # 9287

SERVICE VIA EMAIL

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**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that Sennza Construction, LLC (Sennza or Company) violated Revised Code of Washington (RCW) RCW 19.122.040(2)(e) on two occasions by failing to use reasonable care when directional boring by not using supplemental white lining with physically exposing (potholing) the gas facility.

RCW 19.122.070(1) states, in part, that violations of any provision of the chapter are subject to a civil penalty of not more than \$1,000 for an initial violation and not more than \$5,000 for each subsequent violation within a three-year period.

On February 24, 2026, the Washington State Dig Law Safety Committee (Safety Committee) heard case 26-001 and 26-007 filed by Clark Public Utilities (Clark PUD or Complainant) against Sennza. The Safety Committee determined Sennza violated RCW 19.122.040(2)(e) two times by not using reasonable care to avoid damage, by failing to determine the precise location of underground facilities. The Safety Committee recommended that the Commission impose a \$2,000 penalty.

Commission staff (Staff) reviewed the documents, complaints, One Call Center database, photographs, and agreed with the Safety Committee's findings and recommendations.

The Commission hereby notifies you that it is assessing a \$2,000 penalty (Penalty Assessment) against you on the following grounds:

**1. Alleged Violation 1:**

On December 3, 2025, Sennza was excavating at 16418 Northeast 142<sup>nd</sup> Avenue, Brush Prairie, Washington. While excavating Sennza failed to use supplemental white lining and potholing to avoid blind boring. Complaint 26-001 (Complaint 1) submitted by Clark PUD on January 6, 2026, indicated that Sennza was using a pneumatic mole to bore across 142<sup>nd</sup> Avenue and caused damage to an 8" water main.

2. **Analysis:**

The alleged violation concerns RCW 19.122.040(2)(e), which states, in part, that an excavator shall use reasonable care when directional boring will be implemented as a method of underground excavation, supplement white lining with physical exposure to avoid blind boring.

Complaint submitted by Clark PUD documented that Sennza was using a pneumatic mole to bore across 142<sup>nd</sup> Avenue and hit a newly installed 8” water main several times at 16418 Northeast 142<sup>nd</sup> Avenue. The complaint noted that the white lining indicated the Company was excavating only on the west side of 142<sup>nd</sup> Avenue and not in or across, the road itself. The complaint documented that the Company failed to pothole along the site and the only pothole was located where the drill rig was set. Clark PUD went on to document that Sennza bored and wrapped its bore head around two of the UG primary phases, causing severe damage and the wire couldn’t be pulled out. Clark PUD had to bore in two new conduits for new wire. Clark PUD provided a copy of Sennza’s locate ticket (#25486105) which was valid at the time of the damage. The locate ticket indicated locates were requested for both sides of NE 142nd Avenue. Clark PUD also provided photographs documenting white lining along the trench, but not in the street on 142nd Avenue, which the Company bored across.

Staff searched Washington One Call Center database and reviewed locate ticket #25486105 and confirmed the Company had a valid locate ticket at the time of damage. In addition, the ticket location of work and the polygon identified the location of work as both sides of 142<sup>nd</sup> Avenue.

3. **Alleged Violation 2:**

On April 15, 2025, Sennza was excavating at 4010 Addy Street, Washougal, Washington. While excavating, Sennza failed to pothole to avoid blind boring. Complaint 26-007 (Complaint 2) submitted by Clark Public Utilities on January 13, 2026, indicated that Sennza was boring in new communications conductor and did not pothole to prevent damage to underground facilities.

4. **Analysis:**

The alleged violation concerns RCW 19.122.040(2)(e), which states, in part, that an excavator shall use reasonable care when directional boring will be implemented as a method of underground excavation, supplement white lining with physical exposure to avoid blind boring.

The complaint documented that the 3-phase was marked as being in the road, but the location of the actual 3-phase was behind the sidewalk and marked with one red line. The complaint went on to document that Sennza exposed the conduit at the transformer and bored 425’ next to the location without potholing along the way to ensure it was not hitting any water or sewer lines. Clark PUD crew used a vac-truck to expose the area where the bore head was stuck and found it was wrapped around Clark PUD’s conduit at the exposed location. Clark PUD noted the repairs could not be done because it was believed that the Company was paralleling the conduit. Clark PUD also documented that Sennza continually

damaged two of three conduits and Clark PUD could not pull the wire through. Sennza had a valid locate ticket (#25124698) for 4010 Addy Street at the time the damage occurred. Clark PUD replaced both runs of conduit that were damaged. Clark PUD documented that Sennza responded, "...they don't have time to pothole. They figured going deep would put them under everybody."<sup>1</sup>

Staff searched the Washington One Call Center database and confirmed that Sennza had a valid locate ticket for 4010 Addy Street, Washougal, Washington

The Commission considered the following factors in determining the appropriate penalty amount for the violations:

1. **How serious or harmful the violations are to the public.**  
These incidents could have been harmful to Company workers, utility technicians, nearby homeowners, and the public, and could have resulted in serious injury and loss of property.
2. **Whether the violations were intentional.**  
These violations appear to be due to negligence by Sennza rather than a lack of knowledge regarding Washington State's dig law. Since March 9, 2025, Sennza has submitted 441 requests to locate underground facilities in Washington. This demonstrates the Company's knowledge of requirements and its responsibility to comply with the Dig Law.
3. **The likelihood of recurrence.**  
The likelihood of recurrence depends on the Company's actions going forward and its willingness to follow the Washington State's Dig Law.

The Commission has considered these factors and agrees with the Safety Committee's findings of probable violation and penalty recommendation, as follows:

- **First Violation:** \$1,000 penalty for one violation of RCW 19.122.040(2)(e) that occurred on December 3, 2025, at 16418 Northeast 142<sup>nd</sup> Avenue, Brush Prairie, WA.
- **Second Violation:** \$1,000 penalty for one violation of RCW 19.122.040(2)(e) that occurred on April 15, 2025, at 4010 Addy Street, Washougal, WA.

The total penalty amount is \$2,000 penalty for the two violations of RCW 19.122.040(2)(e) with an offer to suspend a \$1,600 portion of the penalty for 90 days, then waive it, subject to the conditions that:

- 1) Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
- 2) The Company must submit documentation of training completion to the Commission's web portal at <https://efiling.utc.wa.gov/Form>.

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<sup>1</sup> Clark PUD Documentation. (Attachment 5)

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

**You must act within 15 days after receiving this Penalty Assessment** to do one of the following:

- Pay the \$2,000 penalty amount due; or
- Pay \$400 and notify the Commission that you accept the offer to suspend an \$1,600 portion of the penalty amount for 90 days, and then waive it, subject to the following conditions:
  - Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**). or
- Contest the occurrence of the violations; or
- Admit the violations but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>2</sup>

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<sup>2</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective April 1, 2026.

*/s/Connor Thompson*  
CONNOR THOMPSON  
Director, Administrative Law Division

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
PENALTY ASSESSMENT D-260116 Investigation # 9287

**PLEASE NOTE:** You must complete and sign this document and send it to the Commission within 15 days after you receive the Penalty Assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements:

- [ ] 1. **Payment of penalty.** I admit that the violations occurred and:
- [ ] Enclose \$2,000 in payment of the penalty.
  - OR [ ] Attest that I have paid the penalty through the Commission's payment portal.
- [ ] 2. **Accept conditions.** I admit that the violations occurred and enclose \$400 toward the payment of the penalty. I also accept the Commission's offer to suspend for 90 days, and ultimately waive, the remaining \$1,600 penalty amount subject to the following conditions:
- o Company management and field crew responsible for excavation at the time of the incident(s) (**indicate names below**), must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).
- [ ] 3. **Contest the violations.** I believe that the alleged violations did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):
- [ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
  - OR [ ] b) I ask for a Commission decision based solely on the information I provide above.
- [ ] 4. **Request mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):
- [ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
  - OR [ ] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [Month/Day/Year], at \_\_\_\_\_ [City, State]

\_\_\_\_\_  
Name of Respondent (Company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020 “Perjury in the first degree.”

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.