



**Washington State Dig Law Safety Committee**  
A Standing Committee of Washington Utilities Coordinating Council  
COMMUNICATION – COOPERATION – COORDINATION  
P.O. Box 737 – Poulsbo, WA 98370

November 19, 2014

Steve King, Executive Director and Secretary  
Members of the Commission  
Utilities and Transportation Commission  
1300 Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Review Committee Decision - Case Number 14014  
Thurston Electric vs. CenturyLink, Inc.

Dear Mr. King:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122 for work performed in December of 2013. The complaint was filed with the Safety Committee on June 26, 2014. On November 12, 2014 the Review Committee of the Safety Committee heard the complaint. The Complainant in this case is Thurston Electric, and the Respondent is CenturyLink, Inc.

The complainant alleged violation of RCW 19.122.030(3)(a), failure to mark facilities within the area marked for excavation. The Review Committee finds that the respondent, CenturyLink, Inc., did violate RCW 19.122.030(3)(a), by not marking its facilities within the excavation area marked in white as part of excavation activities to install new parking lot lighting at the Evergreen Villages Facility located at 505 Division Street NW, Olympia.

This violation represents the second one for Century Link, Inc. in the last 12 months. Therefore, the Review Committee recommends a penalty of \$2,500.00 be assessed to the Respondent Century Link, Inc. Please let me know if you have any questions regarding this case. I can be contacted at 425.430.7212.

Sincerely,

Dave Christensen  
Vice-chair

Cc: Thurston Electric  
CenturyLink, Inc.  
Lynda Holloway, UTC

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RECORDS MANAGEMENT  
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- Committee Members Represent:
- Local Government
- Natural Gas Utility
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- Excavators
- Electric Utility
- Consumer – Owned Utility
- Pipeline Utility
- Insurance Industry
- Utilities and Transportation Commission
- Telecommunications Company
- Three At – Large Positions

14014

Com II

## Complaint Form - WUCC Website

sendmail@washington-ucc.org <sendmail@washington-ucc.org>

Thu, Jun 26, 2014 at 2:56 PM

To: safetycommitteewaucc@gmail.com

Cc: jared@wearedifmt.com

Ken McClarty just filed a complaint from washington-ucc.org

### Requester Information

**Name:** Ken McClarty

**Company:** Thurston Electric

**Phone:** (360) 357-2525

**Address:** 3235 18 Ave SE

**City:** Olympia

**Zipcode:** 98501

**Email:** ken@thurstonelectric.com

**Requested A Ticket:** true

**Ticket Number:** 13317728

**Ticket Date:** 12/06/2013

### Violation Information

**Violation:** RCW 19.122.030

**Law Violated:** (3)(a)

#### Basic Description:

Thurston Electric requested locates be done so the company could install parking lot and drive way lighting in and around Evergreen Village Apartments . Thurston Electric requested that locates be done around the perimeter of the complex, in the parking lot, and the driveway. Thurston Electric offered to meet the person doing the locating. The request was denied. Upon Thurston Electric's inspection it was found that the locating was incomplete. Thurston Electric called Locate Inc. and informed them that the locating was incomplete. Locate Inc. sent the same representative out again this time Thurston Electric and Bill the maintenance supervisor from Evergreen Village Apartments met the Locate Inc. representative responsible for the locate. Thurston Electric and apartment maintenance explained and showed the representative what needed to be done. Thurston Electric then left the Locate Inc. representative to do his work. A few days later Thurston Electric came back and began working. All the locating marks were easily visible, nice, bright, and not washed out. There were no locating marks anywhere near where Thurston Electric hit CenturyLink's cable. The only marks that were visible were made by Thurston Electric approximately a week earlier, which were made before the first locate attempt. The damage was made alongside the road, on one end of a 30 foot row of mail boxes. Locate Inc. made the error here, not Thurston Electric. When CenturyLink's contractor came out after the damage it started digging up and pulling out Thurston Electric's installed pole bases without using diagnostic equipment first to determine where the fault was. Once the contractor began using diagnostic equipment it realized it was working in the wrong area and it reinstalled the cement bases. By not using the diagnostic equipment immediately CenturyLink's contractor greatly increased the cost of the repair work. Passing along the cost for the wasted time is unethical. Customer provided a second locate ticket number of 14005758, with a date of 1/9/2014. The preceding statement was transcribed by Andrew Roberts, Washington Utilities and Transportation Commission (360) 864-1112, on behalf of Ken McClarty with Thurston Electric. Customer was not positive on the alleged violation date. He stated that one week after the ticket date would be close.

**Violation Address:** Evergreen Village Apartments 505 Division Olympia, 98502

**Violation Date:** 12/13/2013

**Violation Information****Violator Company:** CenturyLink**Violator Phone:** (800) 321-4158**Violator Address:** PO Box 2348**Violator City:** Seattle**Violator Zipcode:** 98111-2348**Violator Email:** uswpuc@Qwest.com**Violator Employees:****Other Information**

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**Additional Information:**

CenturyLink made a determination on who to bill without ever speaking with Bill the maintenance supervisor from Evergreen Village Apartments. Who is a witness. Thurston Electric spoke with Roy Rogers and Michelle Bouton from CenturyLink. Michelle stated that she would speak with Ken McClarty from Thurston Electric before making a determination. She did not do this. CenturyLink is attempting to bill Thurston Electric's insurance for \$5,800. Michelle Bouton gave a contact number of (405) 606-3396.