

D-151106



# Washington State Dig Law Safety Committee

A Standing Committee of Washington Utilities Coordinating Council

COMMUNICATION – COOPERATION -  
COORDINATION

P.O. Box 734 • Poulsbo, WA 98370

RECEIVED  
PROGRAMS MANAGEMENT  
2015 MAY 26 AM 8:03  
STATE OF WASH  
UTIL. AND TRANSP.  
COMMISSION

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

May 6, 2015

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 15-005  
M&L Construction Inc. v. EMAN Networks

Dear Mr. King,

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122.027(4)(5) and 19.122.030(2)(3). The complaint was received from M&L Construction and the respondent in this complaint is EMAN Networks. The Review Committee of the Safety Committee heard the complaint on May 6, 2015.

The complainant alleged violation of 19.122.027 (4) and (5) since EMAN Networks does not subscribe to the one-number locator service. The complainant also alleged violation of 19.122.030(2) and (3) since EMAN Networks did not mark their underground facility. Neither party was represented at the review meeting. The Review Committee based their decision on the documents presented by M&L Construction, Inc. The Review Committee finds that the Respondent, EMAN Networks, did violate RCW 19.122.027(4) and (5) for not belonging to a one-number locator service. In addition, the Review Committee finds EMAN Networks, did violate RCW 19.122.030(3) for failing to mark their underground facilities.

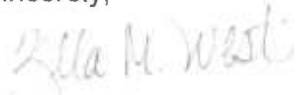
The Safety Committee recommends the following two penalties:

- #1 - A \$1000 penalty and NUCA Dig Safe training for the principals of EMAN Networks, for not subscribing to a one-number locator service
- #2 - A \$1000 penalty for not marking their underground facilities which caused delays in excavation and potential disruption in vital services.

If there is another confirmed violation of 19.122 within a 12-month period from the UTC confirmation date, future penalty amounts could be increased up to \$5000.

Please let me know if you have any questions regarding this case. I may be contacted at 509.966.0272.

Sincerely,

A handwritten signature in cursive script that reads "Zella M. West".

Zella West, Vice-Chair

Cc: M&L Construction, Inc.  
EMAN Networks  
Lynda Holloway, UTC