



Washington State Dig Law Safety Committee

P.O. Box 734 • Poulsbo, WA 98370

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

September 4, 2019

Mark Johnson, 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 19-022 Avista Corporation vs. Eller Corporation

Dear Mr. Johnson:

The Washington State Dig Law Safety Committee (committee) received a complaint regarding potential violations of Washington State Dig Law RCW 19.122.030 for work performed on Dec. 6, 2018.

On, September 4, 2019, the committee formed a review board and heard Case 19-022, filed by Avista Corporation vs. Eller Corporation.

The review board determined that the respondent, Eller Corporation, violated RCW 19.122.030(6)(c) or failing to maintain the accuracy of the facility operators markings of underground facilities and RCW 19.122.040(2)(a) for failing to take reasonable care to avoid damaging underground facilities by determining the precise location of underground facilities.

Therefore, the committee recommends a penalty be assessed to the respondent follows;

- \$1,000 for the violation of RCW 19.122.030(6)(c)
- \$5,000 for the violation of RCW 19.122.040(2)(a)

For a total of \$6000.00 with \$5000.00 deferred on the condition that the operations manager, project managers, superintendents and all field foremen and leads attend NUCA dig safe training and have no additional violation of RCW 19.122 within 12 months of receiving a penalty assessment order.

Please let me know if you have any questions regarding this case. I can be contacted at 206-794-9823.

State Of WASH.
UTIL. AND TRANSP.
COMMISSION

09/09/19 09:46

Received
Records Management

Washington State Dig Law Safety Committee

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Sincerely,

A handwritten signature in black ink, appearing to read "Jim Walton".

Jim Walton, Chair

cc: Lynda Holloway, UTC

Michael Eller, Eller Corporation

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