

Service Date: October 11, 2021

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: DG-210327
PENALTY AMOUNT: \$5,000
Investigation #8356 and #8384
UBI: 601-178-753

SERVICE VIA EMAIL

Prairie Electric Inc.
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The Washington Utilities and Transportation Commission (Commission) believes that Prairie Electric Inc. (Prairie Electric or Company) has violated the Revised Code of Washington (RCW) 19.122.055(1)(a) by failing to notify one-number locator service before beginning excavation. RCW 9.122.055(1)(a) states, in part, that excavators who fail to notify a one-number locator service and cause damage to an underground gas facility are subject to a civil penalty of not more than \$10,000 for each violation.

The Commission reviewed findings and recommendations made by Commission staff (Staff) and hereby notifies you that it is assessing a \$5,000 penalty against you on the following grounds:

First Violation

On February 10, 2021, Prairie Electric was excavating at 4753 White St., Richland, Washington. While pounding in a ground rod, the Company struck an underground natural gas facility operated by Cascade Natural Gas (CNG). The Damage Information Reporting Tool (DIRT) report submitted by CNG on March 9, 2021, indicated that the Company was excavating without a valid locate ticket.

Second Violation

July 7, 2021, Prairie Electric was excavating at NE 239th and NE 142 Ave., Battle Ground Washington. While excavating Prairie Electric struck an underground gas facility operated by Northwest Natural (NWN). DIRT report submitted by NWN on August 9, 2021, indicated that the Company was excavating without a valid locate ticket.

Staff conducted an investigation that included reviewing damage reports, statements from the Company, and the One-Call Ticket database. The documents reviewed identified two (2) natural gas events that involved Prairie Electric damaging natural gas lines while excavating without a valid locate ticket. On May 1, 2019, the Commission assessed a \$1,000 penalty against the Company, and on March 2, 2020, the Commission assessed a \$2,500 penalty against the Company. Prairie Electric was also issued warning letters on December 29, 2014, September 22, 2016, February 15, 2018, and July 12, 2019. Based on

the Company's history of dig law violations, Staff recommends the Commission assess a \$5,000 penalty against Prairie Electric for two violations of RCW 19.122.055(1)(a) for failing to provide the required notice of excavation to a one-number locator service before beginning excavation.

The Commission agrees with Staff's recommendation and assesses the following penalties:

- \$2,500 penalty for the violation of RCW 19.122.055(1)(a) that occurred on February 10, 2021.
- \$2,500 penalty for the violation of RCW 19.122.055(1)(a) that occurred on July 7, 2021.

These facts, if not contested or if proved 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 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 notice to do one of the following:

- Pay the \$5,000 penalty amount due; or
- Request a hearing to contest the occurrence of the violation; or
- Request mitigation to reduce the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Lacey, Washington, and effective October 11, 2021.

/s/Rayne Pearson
RAYNE PEARSON
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-210327, Investigation #8356 and #8384

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, am 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 violation occurred and enclose \$5,000 in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation 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 provided above.

3. **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 provided 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 makes a materially false statement which he 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 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.”