

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: DG-210853

PENALTY AMOUNT: \$2,500

Investigation #8402

UBI: 603-222-558

SERVICE VIA EMAIL

InfraSource Services, LLC
14103 Stewart Rd.
Sumner, WA 98390
Melissa.lail@InfraSourceinc.com

The Washington Utilities and Transportation Commission (Commission) believes that InfraSource Services, LLC, (InfraSource or Respondent) 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 its staff (Staff) and hereby notifies you that it is assessing a \$2,500 penalty (Penalty Assessment) against you on the following grounds:

On July 27, 2021, InfraSource was excavating at 44413 Southeast 142nd Place, North Bend, Washington. While excavating, InfraSource struck an underground Puget Sound Energy (PSE) natural gas facility. The Damage Information Reporting Tool report submitted by PSE on September 8, 2021, indicated that the Respondent was excavating without a valid locate ticket.

Staff conducted an investigation that included reviewing damage reports, investigation reports, and the One-Call Ticket database. Staff contacted InfraSource and it acknowledged it was excavating without a valid locate ticket at the time this damage incident occurred. The evidence reviewed supported InfraSource damaging a natural gas facility without a valid locate ticket.

The Respondent received a warning letter from the Commission on October 19, 2016, and was previously penalized by the Commission. On October 9, 2018, the Commission assessed a \$3,500 penalty against InfraSource for two violations of RCW 19.122.055(1)(a). On August 19, 2020, the Commission assessed a \$5,000 penalty against InfraSource for one violation of RCW 19.122.055(1)(a).

InfraSource paid its previous penalties in full, accepted responsibility for the violation cited in this Penalty Assessment, and cooperated during this investigation. It has been almost

two (2) years since the Company's last Dig Law violation. Based on these factors, Staff recommends the following:

- A \$2,500 Penalty Assessment for one violation of RCW 9.122.055(1)(a) occurred on July 27, 2021.

The Commission agrees with Staff's recommendation and as described above.

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 \$2,500 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 file it with the Washington Utilities and Transportation Commission at records@utc.wa.gov **within FIFTEEN (15) days** after you receive this Penalty Assessment.

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 December 6, 2021.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-210853 Investigation #8402

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 \$2,500 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.”