

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: DG-250193

PENALTY AMOUNT: \$5,000

Investigation # 9084

EMAIL SERVICE

Infrasource Services, LLC  
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**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that Infrasource Services, LLC (Infrasource or Company) violated Revised Code of Washington (RCW) 19.122.055(1)(a) by failing to notify the one-number locate service and causing damage to an underground gas facility.

RCW 19.122.055(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.

Commission staff (Staff) conducted an investigation that included reviewing damage reports, investigation reports, the One Call Center database, and communications with the Company. The documents reviewed identified a natural gas event that involved Infrasource damaging a natural gas facility while excavating without a valid locate ticket.

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

1. **Alleged Violation:**

On January 13, 2025, Infrasource was excavating at 822 Northeast 79<sup>th</sup> Street, Seattle, Washington. While excavating, Infrasource workers struck and damaged an underground Puget Sound Energy (PSE) natural gas facility. The Damage Information Reporting Tool (DIRT) report submitted by PSE on February 22, 2025, indicated that Infrasource was excavating without a valid request to locate underground utilities.

2. **Analysis:**

The alleged violation concerns RCW 19.122.055(1)(a), which states, in part, that an excavator must contact the one-number locate center before beginning excavation. On March 13, 2025, PSE provided a response to Staff's request for information regarding this

incident, and it submitted the following: Gas First Responder (GFR) report, ELM report, locate ticket #25000637 for Infracource, L&I, and Department of Revenue information. The GFR report documented that Infracource was digging with a shovel for new service outside of work area and damaged a 5/8" gas line. The GFR report confirmed that Infracource had locate ticket #25000637. The ELM report confirmed the information in the DIRT and GFR report, that the Company was excavating outside the area described on the ticket and damaged a 5/8" gas line. The ELM report noted that the ticket states to locate from ROW to ROW, but the digging occurred at the riser area and there were no locate marks past the back of the ROW. The photographs included with the ELM report show the damaged gas line is located near a meter connected to a structure which is outside the ROW.

Staff communicated by email with Infracource on March 13, 2025, and the Company provided a copy of the locate ticket #24520759 without any other explanation. The ticket described the location of work as *"location of work is approx. 15 feet west of CL to 715 feet east of CL 8<sup>th</sup> Ave NE and ROW to ROW of CL NE 79<sup>th</sup> St. Please mark entire area that were marked in white. Please mark all easements, R.O.W and side sewers. Please provide documentation for side sewers. Mark all water mains and services in R.O.W. and in the dig area. Please add flags if possible. Area marked in white."* In a follow-up email from Infracource on March 24, 2025, Infracource admitted it excavated outside of the area identified in the locate ticket. Infracource explained that a newly hired foreman thought the right-of-way (ROW) included the properties along it. Since the violation occurred, Infracource has retrained the new foreman and updated the locate ticket.

Staff searched the Washington One Call System database and found locate ticket #24520759 which was updated by ticket #25000637. In comparing the ELM photographs to the locate ticket, Staff confirmed that the excavation occurred outside the area identified. Staff confirmed the company updated the locate ticket (#25064487) on February 24, 2025.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**  
This incident could have been significantly more harmful to Infracource and workers, utility technicians, nearby homeowners, and the public, and it could have resulted in severe injury and/or loss of property.
2. **Whether the violation is intentional.**  
The violation appears to be due to negligence rather than a lack of knowledge of Washington State's Dig Law. Over the past 12 months, Infracource has submitted 14,642 requests to the One Call Center for locates. This demonstrates Infracource's knowledge of requirements and its responsibility to contact the one-number locate service before beginning excavation.
3. **Whether the company self-reported the violation.**

Infrasource did not self-report the violation. The Commission became aware of the violation when PSE filed a DIRT report.

4. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its willingness to notify the one-number locate service every time before beginning excavation.

5. **The Company's previous violations and penalties.**

- **Warning Letter**

- On October 19, 2016, the Commission mailed an Alleged Violation of Washington Dig Law letter to Infrasource. The letter included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for submitting utility locate requests before excavating, and the possibility of penalties for each violation. The Commission mailed the letter after receiving a report of damage caused by Infrasource on August 8, 2016, that occurred because the Company failed to submit a request to locate underground utilities before excavating.

- **Penalty Assessments**

- On December 9, 2022, the Commission issued Infrasource a Penalty Assessment of \$2,500 for one violation of RCW 19.122.055(1)(a) – in docket DG-220885.
- On December 6, 2021, the Commission issued Infrasource a Penalty Assessment of \$2,500 for one violation of RCW 19.122.055(1)(a) – in docket DG-210853.
- On August 19, 2020, the Commission issued Infrasource a Penalty Assessment of \$5,000 for one violation of RCW 19.122.055(1)(a) – in docket DG-200433.
- On October 9, 2018, the Commission issued Infrasource a Penalty Assessment of \$3,500 for two violations of RCW 19.122.030(2) – in DG-180733.

The Commission has considered these factors and determined that it should penalize Infrasource as follows:

- \$5,000 penalty for one violation of RCW 19.122.055(1)(a)

These facts, if proven 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 a 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 Penalty Assessment** 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 submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>1</sup>

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective March 31, 2025.

/s/ Connor Thompson  
CONNOR THOMPSON  
Acting Director, Administrative Law Division

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<sup>1</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
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**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, 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:  
 Enclose \$5,000 in payment of the penalty.  
 OR  Attest that I have paid the penalty in full through the Commission's payment portal.
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 provide 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 provide 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 or she makes a materially false statement which he or she 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 or her 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.