

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET PL-140180
Against)	
)	
MR. RANDY BUCHANAN)	NOTICE OF BRIEF ADJUDICATIVE
)	PROCEEDING
In the Amount of \$5,000)	
)	SETTING TIME FOR ORAL
)	STATEMENTS
)	(Set for May 28, 2014, at 9:30 a.m.)
)	
.....)	

- 1 On March 4, 2014, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment PL-140180 against Mr. Randy Buchanan (Mr. Buchanan) in the amount of \$5,000, alleging violations of RCW 19.122.030, failure to call for a dig ticket prior to excavation.

- 2 On March 21, 2014, Mr. Buchanan filed with the Commission a request for hearing on the form provided by the Commission. Mr. Buchanan checked the box on the form indicating that he believed that the alleged violations did not occur for which penalties were assessed. However, Mr. Buchanan did not provide a written statement of the reasons he believed the alleged violations did not occur.

- 3 On April 2, 2014, the Commission issued a notice denying Mr. Buchanan’s request for a hearing on the grounds that he failed to offer any basis for that request. The notice further stated that the Commission would consider Mr. Buchanan’s request for mitigation of the assessed penalty on the basis of a written submission of the reasons supporting such mitigation.

- 4 On April 9, 2014, the Commission received a letter from William D. McCool, an attorney representing Mr. Buchanan, requesting that the Commission reconsider its decision and grant Mr. Buchanan’s request for a hearing.

- 5 On April 14, 2014, the Commission issued a notice providing Mr. Buchanan with another opportunity to request a hearing on the penalty assessment as long as the request included a written statement of the reason(s) in support of the request by April 25, 2014. Commission Staff was provided an opportunity to respond to the request by May 2, 2014.
- 6 On April 24, 2014, Mr. Buchanan filed with the Commission its second request for hearing. Mr. Buchanan provided a written statement of the reasons for the request. The Commission did not receive a response from Commission Staff.
- 7 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the penalty should be mitigated and what actions are necessary for Mr. Buchanan to maintain future compliance, pursuant to statutory provisions of RCW 80.04.
- 8 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on Wednesday, May 28, 2014, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 9 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 10 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 11 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents no later than 5:00 p.m. on **May 21, 2014**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.

12 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

13 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Brett P. Shearer
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187
bshearer@utc.wa.gov

Respondent: Mr. Randy Buchanan
35032 West Hwy 12
Burbank, WA 99323

Representative: William D. McCool
Denny Building, Suite 425
6 East Alder Street
P.O. Box 514
Walla Walla, WA 99362
(509) 525-2630
Mccool52@yahoo.com

14 Administrative Law Judge Marguerite E. Friedlander, from the Commission's Administrative Law Division, will preside during this proceeding.

15 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective May 8, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____