



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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August 4, 2016

NOTICE DECLINING TO CONSIDER PETITION FOR REVIEW

RE: *In the Matter of the Penalty Assessment against Woodland Industries General Contracting, Inc.*
Docket DG-160174

TO ALL PARTIES:

On April 18, 2016, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment DG-160174 against Woodland Industries General Contracting, Inc. (Woodland or Company) in the amount of \$2,000, alleging two violations of RCW 19.122.030(1) for failing to request a utility locate prior to performing excavations on May 9, 2014, and September 21, 2015. On April 28, the Company filed a response and requested a hearing.

On June 21, 2016, the Commission conducted a brief adjudicative proceeding before Administrative Law Judge Rayne Pearson. On June 23, the Commission issued Order 01 Denying Mitigation (Order 01). Order 01 included a notice to the parties that any petitions for review must be filed with the Commission within 20 days of the date the order was entered. Accordingly, the deadline to file any such petition was July 13, 2016.

The Commission received no petition for review by July 13, 2016, and did not initiate such review on its own initiative. Order 01, therefore, became the final order of the Commission by operation of law on July 14, 2016.

On July 22, 2016, Woodland filed a Petition to Reopen Incident Investigation requesting rehearing, which the Commission construes as a petition for review (Petition). In its Petition, the Company offers a different explanation for the violations than the explanation to which the Company owner testified at the hearing.

Because the Company failed to file the Petition within 20 days of the date the Commission entered Order 01, the Petition was not timely. Accordingly, the Commission will not consider the Petition. Even if the Petition were timely, the Company's attempt to offer an explanation for the violations that conflicts with the testimony the Company's owner gave under oath at the hearing, does not provide a valid basis for the Commission to reconsider its findings or amend its order.

THE COMMISSION GIVES NOTICE That it will not consider Woodland Industries General Contracting, Inc.'s Petition for Administrative Review. Order 01 is the Commission's final order in this docket.

STEVEN V. KING
Executive Director and Secretary