

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against MORDVIN, LLC in the amount of \$4,000	DOCKET DG-250944 ORDER 01 GRANTING MITIGATION; IMPOSING AND SUSPENDING PENALTY
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BACKGROUND

- 1 On January 5, 2026, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Mordvin, LLC (Mordvin or Company) in the amount of \$4,000 for the following violations of RCW:
- First Violation: \$1,000 penalty for one violation of RCW 19.122.030(1)(a) that occurred on November 6, 2025, at the intersection of Utsalady Road and North Moore Road, Camano Island, Washington.
 - Second Violation: \$1,000 penalty for one violation of RCW 19.122.030(2) that occurred on November 6, 2025, at the intersection of Utsalady Road and North Moore Road, Camano Island, Washington.
 - Third Violation: \$1,000 penalty for one violation of RCW 19.122.030(5) that occurred on November 6, 2025, at the intersection of Utsalady Road and North Moore Road, Camano Island, Washington.
 - Fourth Violation: \$1,000 penalty for one violation of RCW 19.122.075 that occurred on November 6, 2025, at the intersection of Utsalady Road and North Moore Road, Camano Island, Washington.
- 2 On March 4, 2026, Mordvin responded to the Commission’s penalty assessment by admitting the violation and requesting mitigation. In its request, the Company stated that the situation resulted from a misunderstanding regarding the timing of the locate request and the preparation work at the job site. The Company noted that no damage occurred to the gas facility and that no gas leak, service interruption, or safety incident resulted from

the work. It further noted that once the conflict regarding the gas line was identified, the installed vault was immediately relocated to eliminate any risk to the facility. Finally, the Company claimed that all excavation at the work location was performed manually by hand in order to minimize any risk to underground utilities and denied damaging or destroying the pipeline marker, providing a photograph showing the pipeline marker bent at an angle.

3 Mordvin indicates that it has taken corrective action by reviewing its internal procedures with field personnel to reinforce compliance with requirements. In doing so, the Company believes that this will help ensure that employees verify the start dates of locate tickets, complete proper white lining of excavation areas, and confirm that all utilities have been marked before any excavation begins.

4 On March 9, 2026, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation. Staff states that the Company has accepted responsibility for the violations, has taken corrective action, has professed willingness to complete any recommended excavation safety training to ensure full compliance with the Washington dig law, and has not been previously penalized by the Commission. Accordingly, Staff recommends that the Company be assessed a \$4,000 penalty for the four violations, with an offer to suspend a \$3,200 portion of the penalty for 90 days, to be waived, subject to the conditions that:

1. Company management and field crew responsible for excavation complete Dig Safe Training provided through the National Utility Contractors Association (NUCA) within 90 days of this response to Mitigation; and
2. The Company must submit documentation of training completion to the Commission.

DISCUSSION AND DECISION

5 RCW 19.122.030(1)(a) requires excavators to “mark the boundary of the excavation area with white paint applied on the ground of the worksite, then provide notice of the scheduled commencement of excavation to all facility operators through a one-number locator service.” Further, an excavator is prohibited from excavating “until all known facility operators have marked or provided information regarding underground

facilities.”¹ Excavators who violate these provisions are subject to penalties of up to \$10,000 per violation.²

- 6 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company’s compliance.³
- 7 Staff recommends the Commission grant mitigation in the form of suspension of a \$3,200 portion of the \$4,000 penalty for 90 days, to be waived, subject to the conditions outlined in paragraph 4 above. We agree with Staff’s recommendation. The Commission’s goal in any enforcement action is to obtain compliance. The Company has provided sufficient evidence that it is working in good faith to prioritize public safety, has taken corrective action to comply with the requirements of RCW 19.122, has professed willingness to complete any recommended excavation safety training to ensure full compliance with the Washington dig law, and has not been previously penalized by the Commission. Accordingly, the Commission mitigates the penalty as recommended by Staff as outlined in paragraph 4 above.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Mordvin, LLC’s request for mitigation is GRANTED. The Commission assesses a \$4,000 penalty and suspends \$3,200 of the penalty, subject to the conditions listed in paragraph 4 above. Should the Company fail to meet the conditions, the \$3,200 suspended portion of the penalty will become immediately due and payable without further Commission order.
- 9 (2) Mordvin, LLC’s must pay the \$800 portion of the penalty that was not suspended and submit the form on page 5-6 of this order within 14 days of the effective date of this order.

¹ RCW 19.122.030(5).

² RCW 19.122.055(1)(a).

³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013) at ¶19.

10 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective March 10, 2026.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFF KILLIP

Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
RESPONSE TO COMMISSION ORDER 01
DG-250944 Investigation #9179

PLEASE NOTE: You must complete and sign this document and send it to the Commission within 14 days after you receive the Order 01.

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 \$4,000 in payment of the penalty.
 - OR [] Attest that I have paid the penalty through the Commission’s payment portal.

- [] 2. **Accept conditions.** I admit that the violation occurred and enclose \$800 toward the payment of the penalty. I also accept the Commission’s offer to suspend, and ultimately waive, the remaining \$3,200 penalty amount subject to the following conditions:
 - o Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
 - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).

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 **FOURTEEN (14) days** after you receive this Order 01. If you are unable to use the web portal, you may submit it via email to 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 \(wa.gov\)](#).⁴
If you do not act within 14 days, the Commission may refer this matter to the Office of the Attorney General for collection.

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

⁴ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

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.