



**STATE OF WASHINGTON**  
**UTILITIES AND TRANSPORTATION COMMISSION**  
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February 21, 2018

**NOTICE WAIVING PENALTY**

RE: *Washington Utilities and Transportation Commission v. Westward Hoe Construction, Inc.*, Docket D-161117

TO ALL PARTIES:

On November 10, 2016, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment notice (Penalty Assessment) against Westward Hoe Construction, Inc. (Westward Hoe or Company) for violations of RCW 19.122. The Penalty Assessment assessed a penalty of \$16,000 against Westward Hoe, with the option to suspend, and ultimately waive, \$10,000 of the penalty amount on the condition that Westward Hoe pay the \$6,000 remaining penalty and the Company's employees attended National Utility Contractor Association (NUCA) "Dig Safe" training within six months of the penalty assessment.

On November 23, 2016, Westward Hoe filed a request for mitigation and request for hearing to provide facts, without providing any evidence supporting the request. On November 28, 2016, the Commission issued a Notice Denying Request for Hearing and Notice of Opportunity to File a Written Response. The company responded on December 2, 2016, and on December 16, 2016, Commission staff (Staff) filed a response to the request for mitigation that opposed mitigation, but suggested that the Company could set up a payment arrangement to alleviate the financial burden of the penalty.

On December 23, 2016, the Commission entered Order 01, Order Denying Mitigation (Order 01). Order 01 reaffirmed the Penalty Assessment, and imposed a penalty of \$16,000 against Westward Hoe. Order 01 suspended a \$10,000 portion of the penalty for one year, after which it would be waived if the Company met the following conditions:

- a) All Westward Hoe Construction, Inc. owners and employees must attend National Utility Contractor Association (NUCA) Dig Safe Training within 90 days of the effective date of this Order.
- b) ) Westward Hoe Construction, Inc. must provide a translator for its Spanish-speaking employees who attend Dig Safe Training.

- c) Westward Hoe Construction, Inc. must not incur any additional violations of RCW 19.122.

Order 01 further ordered that the Company must pay the remaining \$6,000 penalty within 10 days of the effective date of Order 01.

Westward Hoe paid the \$6,000 remaining portion of the penalty on December 30, 2016, and on February 21, 2017, submitted certificates of attendance of NUCA “Dig Safe” training for its employees.

On February 12, 2018, Staff filed a letter in this docket informing the Commission that according to Commission records, Westward Hoe has committed no further violations of RCW 19.122 within the 12 months of the suspension period. Staff recommends the suspended \$10,000 portion of the penalty be waived.

The Commission has reviewed the record in this docket and agrees that Westward Hoe has complied with the conditions of Order 01. The Commission therefore waives the suspended penalty and closes the docket.

STEVEN V. KING  
Executive Director and Secretary