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**Washington State Dig Law Safety Committee**  
A Standing Committee of Washington Utilities Coordinating Council  
COMMUNICATION – COOPERATION -  
COORDINATION  
P.O. Box 734 • Poulsbo, WA 98370

June 6, 2016

Steve King, Executive Director and Secretary  
Members of the Commission  
Utilities and Transportation Commission  
1300 Evergreen Park Drive SW  
Olympia, WA 98504-7250

**Re:** Review Committee Decision - Case Number 16-008  
Fife Portal, LLC vs. Pacific Utilities Contractors Inc.

Dear Mr. King:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122 for work performed on Oct, 2015. On May 25, 2016 the Review Committee of the Safety Committee heard the complaint. The Complainant in this case is the Fife Portal, LLC represented by George Humphrey, and the Respondent is Pacific Utilities Contractors, Inc.

The complainant alleged violation of RCW 19.122.050, 19.122.053, 19.122.055, 19.122.070, 19.122.090 and 19.122.100. The Review Committee finds that the respondent, Pacific Utilities Contractors, Inc. did violate RCW 19.122.030(2) for failing to provide notice to a one-number locating service for the excavation area; did violate 19.122.050 for not notifying the facility operator and the one-number locator service to report damage incurred; and did violate 19.122.053 for failing to report the damage event to the UTC.

The Review Committee recommends the following penalties be assessed to the respondent:  
\$1000 for violating 19.122.030 (2)  
\$1000 for violating 19.122.050  
\$1000 for violating 19.122.053 which can be deferred on the condition that Pacific Utilities Contractors Inc. staff including but not limited to the on-site work crew and management complete NUCA Dig Safe Training.

Please let me know if you have any questions regarding this case. I can be contacted at 425.430.7212.

Sincerely,

Dave Christensen, Chair  
Cc: Lynda Holloway, UTC

Case 16-008



Shelley Cornelius &lt;safetycommitteewaucc@gmail.com&gt;

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**Complaint Form**

2 messages

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**sendmail@washington-ucc.org** <sendmail@washington-ucc.org>  
To: safetycommitteewaucc@gmail.com

Sat, Apr 9, 2016 at 3:49 AM

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**Complaint Form Request**

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**Requester Information**

**Name:** George Humphrey  
**Company:** Fife Portal LLC  
**Company Phone:** (206)715-1446  
**Company Email:** hilted@msn.com  
**Company Address:** PO Box 19252, Seattle, 98109  
**Ticket Requested:** no

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**Violation Information**

**Violation RCW Code:** 19.122 as listed below  
**Violation Section:** 19.122.050, 19.122.053, 19.122.55, 19.122.070, 19.122.090, 19.122.100  
**Violation Description:** CenturyLink and its sub Pacific Utilities, under permit with the City of Fife were to install 2-4 inch conduits below grade in the City ROW on 26th Ave E in Fife Wa. We had no prior knowledge of or any dealings with either company, who, without our knowledge or consent, left the city ROW, trespassed onto our property and cross drilled and installed these 2 - 4 inch conduits. the area they drilled into had storm, water, sewer and electrical transmission systems in a 10 ft wide zone running 1400 linear feet. They did so without any easement rights or permission from us as the commercial property owner. They destroyed 2 transmission systems (water and storm) and committed 3 transmission pipe breaches below grade, 400 ft apart. First breach was at initial bore pit. It was a 20 ft breach. They dug it up, repaired it and reburied it. This damage was never disclosed to anyone. It was kept secret for over 4 months from time of damage and never disclosed to the city or ourselves, to include after numerous meetings, reports, involvement of attorneys etc. The second damage point was 400 ft away when they ruptured a 12 in high pressure water main supplying water to the fire hydrants to the site. The rupture was in the middle of a high traffic ingress egress access point. Damage was 10 ft deep and 25 ft in circumference. They then went another 40 ft and destroyed another section of storm 15 ft section of storm pipe They missed another transmission system by 1 ft and cross drilled underneath a high voltage electrical line and pedestal with meter that serves all the street lights along 26th. Neither CenturyLink nor Pacific Utility notified property owners of storm damage or main water main damage to include major destruction of an ingress egress and landscaped areas. No locates were called in the cross drill area. City has confirmed no locates done on our private property or called for. If they had they would have been denied as it was outside the ROW area and the city knew it was private property. There are no easement rights for any company to work on this private property in this area. The broken storm transmission system at the first damage location was purposefully hid it from City of Fife and owners. All transmission and property damage was on our private property. None of the damage was reported for any of the 3 broken pipe caused by the drilling as required by various sections of RCW 19.122 to One Number locate

or filed any reports with them. No locate was called and no damage (dirt) report. They never disclosed the damage to the UTC or filed a damage (dirt) report as required by 19.122. We have extensive information available on the breaches of the statute and the illegal trespass and cross drilling on private property available. The statutes listed above are obvious breaches.

**Violation Address:** 7110-7214 26th Ave E Fife, WA.

**Violation Date:** 10/07/2015

Address:

9523 19th Ave. E.

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#### Alleged Violator

Tacoma WA

98445

**Violator Name:** Century Link and Pacific Utility Contractor (its subcontractor)

Contact:

**Violator Phone Number:** (253)536-3317

Main: 253-537-9994

**Violator Email:** jkotulan@qwestoffice.net

Fax: 253-537-2010

**Violator Address:** P O BOX 110846 , TACOMA, WA, 98411-

**Violator Employess On Site:** unknown as to name of employees as under discovery request, not provided as of this date

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#### Other Information

**Other Information:** Pacific claimed to have done a locate on our property. Not correct. It was for the City ROW permit and not the area they drilled when they left permitted ROW and decided to drill on private property. We have confirmations from the City of Fife Public Works in depositions with the City Engineer (Ken Gill), from One Number Locate general manager (Greg Snyder) and the UTC (Lynda Holloway) itself in emails no locate called, no Dirt reports filed and no disclosure of the section of pipe dug up, repaired and reburied.. We have extensive photos showing damages on private property as well as no locate markings. City Engineer has sworn testimony and George Humphrey and Peter Wooding, owners reps under declaration, that CenturyLink and Pacific Utility had no permission from the city nor Fife Portal LLC, the owner, to cross drill on Fife Portal private property. As owner we have confirmed the extensive underground damage in 3rd party engineering reports. There was no attempt to comply with the statute and the damage was purposefully hid from the owners. One section of damage was hid for 4 months after the other damage was found out and never disclosed until owners dug up and removed the 2-4 inch conduit illegally installed on the property. The breaches of the RCW 19.122 are extensive and pervasive. There was no intent to comply or attempt to comply, especially after the damage was found out. We were lucky there were no natural gas lines in the area of the drilling. They barely missed breaching another 12 in high pressure water main next to the footings of a large warehouse. They literally missed this pipe by a ft and instead destroyed the storm pipe next to it. This was reckless behavior that could have killed someone. To say ownership is angry is an understatement. We will expect the UTC to discipline both companies as harshly as possible as dictated by the statute.

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**Safety Committee** <safetycommitteewaucc@gmail.com>

Sat, Apr 9, 2016 at 2:23 PM

To: David Christensen <dcchrisren@rentonwa.gov>, "Gallegos, Scott" <smg@nwnatural.com>, Jon Cornelius <jonc53@gmail.com>

New complaint will be 16-008 Fife Portal, LLC vs Century Link & Pacific Utilities

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