



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 8, 2020

RE: *In the Matter of the Penalty Assessment Against Evergreen Concrete Cutting in the Amount of \$6,000, Docket DG-180901*

TO ALL PARTIES:

On December 12, 2018, the Washington Utilities and Transportation Commission (Commission) assessed an \$8,000 penalty (Penalty Assessment) against Evergreen Concrete Cutting, Inc., (Evergreen Concrete or Company) for four violations of the Revised Code of Washington (RCW) 19.122.030(2) for failing to obtain a valid dig ticket prior to performing an excavation.

On December 21, 2018, Evergreen Concrete filed a response to the Penalty Assessment, contesting three of the violations and requesting a hearing to present evidence. The Commission scheduled a brief adjudicative proceeding for April 15, 2019. On February 19, 2019, Commission staff (Staff) filed with the Commission a settlement agreement on behalf of the parties.

On March 18, 2019, the Commission entered Order 01, Initial Order Approving Settlement stipulation and Agreement; Notice Cancelling Hearing (Order 01). Order 01, among other things, imposed a \$6,000 penalty against the Company and suspended a \$4,000 portion of the penalty for 12 months on the condition that Evergreen Cutting commit no further violations of RCW 19.122 during that period. The Company paid the remaining \$2,000 portion of the penalty on April 19, 2019.

On March 27, 2020, Commission staff (Staff) filed a letter informing the Commission that Evergreen Concrete had met the condition. In its letter, Staff recommended the Commission waive the \$4,000 suspended portion of the penalty and close the docket.

The Commission agrees that Evergreen Concrete has complied with the condition of the penalty suspension. The \$4,000 suspended portion of the penalty is thus waived, and this docket is closed.

MARK L. JOHNSON
Executive Director and Secretary