



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 8, 2020

RE: *In the Matter of the Penalty Assessment Against Aero Construction in the Amount of \$20,000*, Docket DG-180992

TO ALL PARTIES:

On January 24, 2019, the Washington Utilities and Transportation Commission (Commission) assessed a \$20,000 penalty (Penalty Assessment) against Aero Construction (Aero or Company) for three violations of the Revised Code of Washington (RCW) 19.122.030 for failing to obtain a valid dig ticket prior to performing an excavation.

On February 5, 2019, Aero filed a response to the Penalty Assessment, contesting two of the violations and requesting a hearing to present evidence. The Commission scheduled a brief adjudicative proceeding for April 18, 2019. On March 22, 2019, Commission staff (Staff) filed with the Commission a settlement agreement on behalf of the parties.

On March 29, 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 \$7,500 penalty against the Company and suspended a \$2,500 portion of the penalty for 12 months on the condition that Aero commit no further violations of RCW 19.122 during that period. The Company paid the remaining \$5,000 portion of the penalty on April 18, 2019.

On March 30, 2020, Commission staff (Staff) filed a letter informing the Commission that Aero had met the condition. In its letter, Staff recommended the Commission waive the \$2,500 suspended portion of the penalty and close the docket.

The Commission agrees that Aero has complied with the condition of the penalty suspension. The \$2,500 suspended portion of the penalty is thus waived, and this docket is closed.

MARK L. JOHNSON
Executive Director and Secretary