

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: DG-210294

PENALTY AMOUNT: \$1,000

Investigation #8335

UBI: 313-005-741

SERVICE VIA EMAIL

PUD #1 of Snohomish County

2320 California St.

Everett, WA 98201

[asrife@snopud.com](mailto:asrife@snopud.com)

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The Washington Utilities and Transportation Commission (Commission) believes that PUD #1 of Snohomish County (Snohomish or Company) has violated Revised Code of Washington (RCW) 19.122.055(1)(a). RCW 9.122.055(1)(a) states, in part, that excavators who fail to notify a one-number locator service and cause damage to an underground gas facility are subject to a civil penalty of not more than \$10,000 for each violation. The Commission has authority under RCW 19.122.150 to enforce violations of RCW 19.122.055 without an initial referral to the safety committee created under RCW 19.122.130.

The Commission reviewed findings and recommendations made by Commission staff (Staff) and hereby notifies you that it is assessing a \$1,000 penalty against you on the following grounds:

On October 7, 2020, Snohomish was excavating at 1111 Emerald Hills Dr, Edmonds, Washington. The Company was digging for a sewer when it struck a 2-inch PSE gas line. The Damage Information Reporting Tool report submitted by Puget Sound Energy (PSE) on February 27, 2021, indicates the Company was hand digging to replace a power vault. The Company failed to provide proper notice to a one-number locator service prior to this excavation.

Staff conducted an investigation that included reviewing damage reports, investigation reports, and the One-Call Ticket database. Staff attempted to contact Snohomish staff seeking further information or documentation regarding this incident. As of the date of this Penalty Assessment, Staff has not received any additional information from the Company that would impact the facts in this case. The documents reviewed identified an event that involved Snohomish damaging a natural gas line that occurred while excavating without a valid locate ticket. Because Staff was not able to contact Snohomish as part of the investigation, Staff was unable to determine whether these violations were intentional or if additional mitigating factors existed that may warrant conditions offered by the Commission to suspend or waive a portion of the penalty. Because the Company has not been penalized by the Commission before for violations of RCW 9.122.055(1)(a), Staff recommends a \$1,000 penalty for the one violation of RCW 9.122.055(1)(a).

The Commission agrees with Staff's recommendation and assesses a penalty of \$1,000.

These facts, if not contested or if proved at a hearing and not rebutted or explained, are sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the \$1,000 penalty amount due; or
- Request a hearing to contest the occurrence of the violation; or
- Request mitigation to reduce the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Lacey, Washington, and effective June 16, 2021.

*/s/Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
PENALTY ASSESSMENT DG-210294, Investigation #8335

**PLEASE NOTE:** You must complete and sign this document and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

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, am 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 and enclose \$1,000 in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provided above.

3. **Request mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provided above.

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

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 makes a materially false statement which he 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 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.”