

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET D-170116
TT&E, LLC	ORDER 02
in the amount of \$46,000	ORDER GRANTING PAYMENT ARRANGEMENT

BACKGROUND

- 1 On April 24, 2017, the Washington Utilities and Transportation Commission (Commission) issued a Penalty Assessment against TT&E, LLC (TT&E or Company) in the amount of \$46,000 for nine violations of RCW 19.122.030 and one violation of RCW 19.122.050. The Penalty Assessment also suspended a \$25,000 portion of the penalty for a period of two years, subject to the following conditions: 1) all TT&E owners and employees must complete NUCA Dig Safe Training within one year of the date of the Penalty Assessment, and 2) TT&E must not incur any repeat violations of RCW 19.122.
- 2 On May 24, 2017, TT&E filed a written response and requested a hearing. On May 25, Commission staff (Staff) filed a response recommending the Commission deny the Company's request for mitigation. On June 5, the Commission entered Order 01, Order Denying Mitigation. Order 01 required TT&E to either pay the \$21,000 portion of the penalty that was not suspended or file jointly with Staff a proposed payment arrangement within 20 days of the effective date of Order 01. Order 01 became effective by operation of law on June 25.
- 3 On June 29, 2017, Staff filed a letter recommending the Commission impose the \$25,000 suspended portion of the penalty because the Company failed to respond to the Penalty Assessment. That same day, the Company contacted Staff and requested to make payment arrangements. The Company explained that a miscommunication with its attorney caused it to inadvertently miss the deadline.
- 4 On July 20, 2017, Staff contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in eight monthly

installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

August 15, 2017	\$2,625
September 15, 2017	\$2,625
October 16, 2017	\$2,625
November 15, 2017	\$2,625
December 15, 2017	\$2,625
January 15, 2018	\$2,625
February 15, 2018	\$2,625
March 15, 2018	\$2,625

- 5 Staff also proposes that if TT&E misses one payment, the entire balance, including the suspended portion of the penalty, will become due and payable immediately.

DISCUSSION AND DECISION

- 6 The installment payment schedule Staff and the Company propose is reasonable. Although the Company's request for a payment arrangement was received well past the penalty due date, continuing to suspend a \$25,000 portion of the penalty subject to conditions will best serve the Commission's goal of compliance. Accordingly, the Commission approves the proposal with two modifications. First, because October 15, 2017, is a Sunday, the third installment is due on October 16. All other payments are due on the 15th day of each month as proposed by the parties. Second, TT&E may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make timely monthly installments of \$2,625 until the full amount of \$21,000 is satisfied.
- 7 If TT&E fails to pay the penalty by the date it becomes due in full – either immediately upon a missed installment, or February March 15, 2018, whichever applies – the \$25,000 suspended portion of the penalty will immediately become due and payable.

ORDER

THE COMMISSION ORDERS THAT:

- 8 (1) The \$21,000 penalty is due and payable to the Commission in installments as set out in paragraph 4, above.
- 9 (2) If TT&E, LLC fails to pay any installment by 5 p.m. on the date it is due, both the unpaid balance and the \$25,000 suspended portion of the penalty will immediately become due and payable without further order by the Commission.
- 10 (3) All other terms of Order 01 remain in effect.

DATED at Olympia, Washington, and effective July 27, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.