



October 14, 2021

RECEIVED
OCT 21 2021
WASH. UT. & TP. COMM

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

RE: PENALTY ASSESSMENT DG-210327, Investigation #8356 and #8384
Contest the Violation – Request for Hearing

To Whom It May Concern:

Prairie Electric would like to contest the violation and ask for a hearing regarding the second violation stating that we were excavating without a valid locate ticket.

Per the documents attached, we had a locate ticket (21280111) for NE 239th and NE 142nd Ave in Battle Ground, WA. Wendy from NW Natural mentioned in an email (attached) that she was leaning towards Locating Inc. being responsible but then changed it to being Prairie's responsibility.

We are not contesting the first violation. There is a check enclosed for this portion of the violation cost.

Sincerely,

Kari Nichols
Controller
Prairie Electric, Inc

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT DG-210327, Investigation #8356 and #8384

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 \$5,000 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: 10/14/2021 [Month/Day/Year], at Vancouver, WA [City, State]

Prairie Electric, Inc.
Name of Respondent (Company) – please print

Kauko
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.”

Kari Nichols

From: Randy Lipe
Sent: Wednesday, October 13, 2021 7:45 AM
To: Kari Nichols
Subject: FW: Locate Inc damage report for event 240302
Attachments: Locate Ticket 21280111.pdf; Locating Inc damage report 70321.pdf

From: McKenzie, Marlyse A. <marlyse.mckenzie@nwnatural.com>
Sent: Monday, October 11, 2021 1:56 PM
To: Randy Lipe <randy.l@prairieelectric.com>
Subject: FW: Locate Inc damage report for event 240302

Randy,

Per our discussion I have included the email from Wendy with the explanation and a copy of Locating Inc's damage report as well. I will find out about the commission contact and the locate numbers for you and let you know as soon as I have that information.

[Marlyse McKenzie](#)
NW Natural – Claims Agent
503.721.2443 | m7m@nwnatural.com

From: McDowell, Wendy <Wendy.McDowell@nwnatural.com>
Sent: Thursday, September 2, 2021 7:47 AM
To: McKenzie, Marlyse A. <marlyse.mckenzie@nwnatural.com>
Subject: RE: Locate Inc damage report for event 240302

The locate request was clear and concise on the part describing the intersection but very vague in the last sentence about the new subdivision. It asked for the curb line to be marked. Our 2" poly main stubs were 11' off of the curb – This one is on Prairie Electric. The operator also knew that our line was in the area but did not call to see why marks were not down and damaged the end of the 2" poly stub. At first I was leaning towards Locating Inc but after further investigation and collaboration came to the decision that Prairie Electric is responsible.

From: McKenzie, Marlyse A. <marlyse.mckenzie@nwnatural.com>
Sent: Wednesday, September 1, 2021 3:54 PM
To: McDowell, Wendy <Wendy.McDowell@nwnatural.com>
Subject: Locate Inc damage report for event 240302

Hi Wendy,

Can you look at the attached damage report from Locating Inc. regarding Prairie Electric event 240302. They think that Prairie was outside their locate request. I am not sure that LI ever located our facility as requested inside the subdivision. Let me know your thoughts on this one.

[Marlyse McKenzie](#)
NW Natural – Claims Agent
503.721.2443 | m7m@nwnatural.com



Report of Damage

Status
Completed Claims Notified

Event Number
0240302

[Standard](#) [Claims](#)

Supervisors and Damage Prevention Members:
Please scroll down to the Blue sections of the form to complete the review and research portions of the form.

REPORTING SERVICES REPORTS

[Jobs Report](#)

[Crew Hours Report](#)

FIRST RESPONDER FIELD REPORT

NWN-20210707-00156

[Click To Access The ORDER REPORT](#)

RSB 006676

DAMAGE LOCATION

<u>Damage Address</u>	<u>City</u>	<u>State</u>	<u>Origin</u>
NE 239TH ST & NE 142ND AVE	BATTLE GROUND	WA	CIS
<u>Plat ID</u>	<u>Work Request No.</u>	<u>Damage Date</u>	
4-008-044	014369904	7/7/2021	

DAMAGING AGENCY

<u>Damaging Agency</u>	<u>Agency Type</u>		
PRAIRIE ELECTRIC INC	CONTRACTOR		
<u>Agency Address</u>	<u>City</u>	<u>Zip</u>	
6000 88TH ST	VANCOUVER		
<u>Equipment Operator</u>	<u>Prime Contractor</u>	<u>Phone</u>	
KEITH TYRRELL	PRAIRIE ELECTRIC	360-991-3084	

DAMAGE INFORMATION

<u>Work Type</u>	<u>Work Type (Other)</u>	<u>Equipment Type</u>	<u>Equipment Type (Other)</u>
ELECTRIC_MAIN		BACKHOE_TRACKHOE	
<u>Pre Located</u>	<u>Pre Located (Other)</u>	<u>Gas Escaping</u>	<u>Gas Escaping Shut Off</u>
NO_VISIBLE_MARKS		YES	
<u>2 Inch Or Larger Pipe</u>	<u>Explanation Of Damage</u>		
YES	OPERATOR DIGGING UP THE END OF THERE CONDUITS TO DIG THE REST OF THERE DITCH FOR UTILITIES, AND OUR END OF GAS MAIN WAS RIGHT THERE WITH THE FINK STICKING UP, AND THEY BROKE OFF THE END OF THE PURGE CAP AT THE END OF THE GAS MAIN		

DAMAGE REPAIR FIELD REPORT

NWN-20210707-00267

[Click To Access The ORDER REPORT](#)

MCCLELLAND, MARK

096606

DAMAGE INFORMATION

<u>Damage Date</u>	<u>Work Request No.</u>	<u>Damage Depth</u>	<u>Repair Completed</u>
7/7/2021	03657849	40	121505
<u>Found Gas Controlled</u>	<u>Gas Controlled Shut Off</u>	<u>Damage Type</u>	<u>Customers Effectuated</u>
<input type="checkbox"/>		BROKEN	0
<u>Location</u>	<u>Material</u>	<u>Damaged Facility</u>	<u>Damaged Facility (Other)</u>
EASEMENT	POLYETHYLENE	MAIN	
<u>Explanation Of Repairs And Materials Used</u>			
PURGE CAP WAS DAMAGED. WE ADDED 2' OF 2"(P) W/ NEW PURGE CAP			

MISCELLANEOUS EXPENSES

<u>Paving</u>	<u>Cut Size</u>	<u>Sand</u>	<u>Gravel</u>	<u>Dump</u>	<u>Concrete</u>

ADDITIONAL PERSONNEL

<u>Welder</u>	<u>Hours</u>	<u>Leakage Inspector</u>	<u>Hours</u>
<u>Field Data</u>	<u>Hours</u>	<u>Service Tech</u>	<u>Hours</u>

EQUIPMENT

<u>Type</u>	<u>Hours</u>	<u>Type</u>	<u>Hours</u>
CREW-TRUCK	4.5		0
10YD-DUMP	4.5		0
PICKUP	4.5		

SUPERVISOR REVIEW

Work Center: Vancouver

Review Complete

YES

NO

Comments

Supervisor Reviewed By

Reviewed By

Stiles, Benjamin C.

8/30/2021

DAMAGE PREVENTION

Not An Excavation Damage

Party

First

Second

Third

REASON FOR DAMAGE

Damage Cause

Failed to Request Locate

Secondary Cause

Company Error

Onsite

Damage Cause Comments

Failed to request locates - Locates were called in for part of the job - but the area where the damage occurred was not adequately or clearly described by contractor. 2" poly main end-cap in the subdivision was not located and was damaged by excavator. Contractor used the term curb line - 2" poly main was 11' off the curb.

LOCATE INFORMATION

Locate Number

21280111

Locator Name

Roman Mazurkevich

DIG SAFE TRAINING

Was Dig Safe Training Offered?

Training Date

Number Of People Trained

YES NO

COMPLAINT FILED

Was A Complaint Filed With The State Utility?

YES NO

Please Explain

Research Complete

YES

NO

Research Completed By

McDowell, Wendy

7/9/2021

0240302 PHOTOS

ID

erDFDP_IMG

There are no pictures to show in this view.

Ticket Details - WA21280111

- Ticket Info

Ticket: WA21280111 2 FULL BUSINESS DAYS
 Prev. Tkt: 0
 Transmit Date: 6/21/2021 10:51 AM
 Original Call Date: 6/21/2021 10:40 AM
 Work to Begin Date: 6/23/2021 11:59 PM
 Due Date: 6/24/2021 12:00 AM
 Estimated Footage: 6,235.16
 Address: NE 239TH ST, BATTLE GROUND WA (NE 142ND AVE)

- Completion Data

Locate Status: Completed
 Locator ID: LocatingInc - (LOC1) LOC1
 Completion Date: 6/23/2021 10:51 AM
 Material:
 Footage:
 Site Results:

- Caller Information

Company: PRAIRIE ELECTRIC
 Contact Name: RANDY LIPE Fax Phone: (360)573-2750 Ext:
 Address: 6000 NE 88TH ST Best Time to Call:
 VANCOUVER WA, 98665 Contact Email: NOLANA@PRAIRIELECTRIC.COM
 Alt. Contact Name: NOLAN ABERNATHY Alt. Contact Phone: (360)931-2387

- Dig Site Information

Type of Work from OCC: INSTALL ELEC PRIMARY
 Work Being Done For: BLOOMQUIST PHASE 2
 One Call Concepts Remark: AREA MARKED IN WHITE PAINT

- Dig Site Location

State: WA County: CLARK City: BATTLE GROUND
 Address: NE 239TH ST
 Nearest Intersecting Street: NE 142ND AVE
 Location of Work: AT INTERSECTION OF 239TH ST AND 142ND AVE MARK 15 FOOT RADIUS AROUND POLE # 19844. THEN MARK EAST ACROSS 142ND AVE APPROX 60 FEET THEN MARK SOUTH APPROX 500 FEET STAYING ON THE EAST SIDE OF 142ND AVE. ALSO MARK ENTIRE CURBLINE OF NEW SUBDIVISION TO THE EAST.
 Remark: AREA MARKED IN WHITE PAINT

- Operational Data

Emergency Gasco Request Contractor Turn Back
 Job Code: L-Contract
 Type of Work: INSTALL ELECTRIC PRIMARY

- Geo Data

High Pressure Gas Present Rectifier
 Dispatch Area: 0302 - Vancouver 2
 Plat Id Default: 4-008-044
 Center Lat/Lon: 45.7948673347, -122.5253981188

Plats	TRSQ				
	Caller Provided	Township	Range	Section	Quarter
4-009-044	Caller Provided	4N	2E	26	SE
4-009-043	False	4N	2E	26	SW
4-008-043	False	4N	2E	35	NE
4-008-044	False	4N	2E	35	NW

- Meet Me (0)

None found

- Stand By (0)

None found

- Remarks (0)

None found

v