

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: DG-260022

PENALTY AMOUNT: \$1,000

Investigation # 9254

EMAIL SERVICE

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**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that Tech Network, Inc. (TNI or Company) violated Revised Code of Washington (RCW) 19.122.030(6)(a) by failing to maintain the accuracy of the facility operator's markings of underground utilities.

On December 16, 2025, Commission staff (Staff) received complaint #33 filed by Northwest Natural Gas Company (NWN or Complainant) alleging TNI violated RCW 19.122.030(6)(a). Staff conducted an investigation that included reviewing the complaint, the 30-Day incident report, and email communications with the Company and the Complainant. The investigation identified a natural gas damage event that involved TNI, a subsidiary of Fiber Path Infrastructure (FPI), damaging a natural gas line, because it failed to maintain the locate marks during excavation.

RCW 19.122.030(6)(a), states, in part, once marked by a facility operator, an excavator is responsible for maintaining the accuracy of the facility operator's markings of underground facilities.

RCW 19.122.055(1)(a) states, in part, that any excavators who violate any provision of this chapter and causes damage to an underground gas facility are subject to a civil penalty of not more than \$25,000 for each violation.

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

1. **Alleged Violation:**

On May 30, 2025, at 3312 168th Ct., Vancouver, Washington, TNI was conducting directional drilling and damaged a NWN underground gas facility. The Complaint report submitted by NWN indicates that the damage occurred because TNI failed to maintain the locate markings for the gas line.

2. **Analysis:**

The alleged violation concerns RCW 19.122.030(6)(a), which states in part, once marked by a facility operator, an excavator is responsible for maintaining the accuracy of the facility operator's markings of underground facilities. The Complainant reported that during directional drilling, TNI damaged a ½" gas service line. The complainant explained that as a result of this damage, multiple homes had to be evacuated, power shut off to the neighborhood, and road closures. The 30-day report submitted to the Commission indicates that seven homes were evacuated.

On December 29, 2025, staff contacted TNI and requested information regarding this complaint. Staff received an email response from TNI, and it took responsibility for the damage, explaining that it did not maintain the marks because it was not aware of this requirement in Washington State

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**

This incident could have been significantly more harmful to Company workers, utility technicians, nearby homeowners, and the public, and it could have resulted in severe injury and loss of property.

2. **Whether the violation is intentional.**

Over the past 12 months TNI has submitted 859 requests for locates to the Washington One Call Center. This would indicate TNI awareness of Washington State's dig law. However, TNI explained it was not aware of the requirement that the excavator was responsible for maintaining locate markings during excavation.

3. **Whether the company self-reported the violation.**

TNI did not self-report the violation. The Commission became aware of the violation when NWN filed a complaint with the Commission.

4. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its willingness to fully understand and comply with the Washington State Dig Law.

The Commission has considered these factors and determined that it should penalize Tech Network, Inc. as follows:

- \$1,000 penalty for one violation of RCW 19.122.030(6)(a) with an offer to suspend an \$800 portion of the penalty for 90 days, and then waive it, subject to the conditions that:
  - 1) Company management and field crew responsible for excavation complete Dig Safe Training provided through the National Utility Contractors Association (NUCA) within 90 days of this Penalty Assessment; and
  - 2) The Company must submit documentation of training completion to the Commission.

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven 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 a 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 Penalty Assessment** to do one of the following:

- Pay the \$1,000 penalty amount due; or
- Pay \$200 and notify the Commission that you accept the offer to suspend an \$800 portion of the penalty amount for 90 days, and then waive it, subject to the following conditions:
  - Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**); or
- Contest the occurrence of the violation; or
- Admit the violation but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>1</sup>

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

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<sup>1</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

DATED at Lacey, Washington, and effective February 2, 2026.

/s/Connor Thompson  
CONNOR THOMPSON  
Director, Administrative Law Division

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
PENALTY ASSESSMENT DG- 260022 Investigation # 9254

**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, 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:  
[ ] Enclose \$1,000 in payment of the penalty.  
OR [ ] Attest that I have paid the penalty in full through the Commission's payment portal.
- [ ] 2. **Accept conditions.** I admit that the violation occurred and enclose \$200 toward the payment of the penalty. I also accept the Commission's offer to suspend for 90 days, and ultimately waive, the remaining \$800 penalty amount subject to the following conditions:
- o Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).
- [ ] 3. **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 provide above.
- [ ] 4. **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 provide 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 or she makes a materially false statement which he or she 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 or her 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.