



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop SE • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • 1-800-833-6384 or 711

March 19, 2024

Jeff Killip, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

RE: *Washington Utilities and Transportation Commission v. Rodarte Construction, Inc.*
Commission Staff's Response to Application for Mitigation of Penalties
Docket DG-240061, Case No. 8850

Dear Mr. Killip:

On February 12, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty against Rodarte Construction, Inc. (Rodarte or Company) of \$2,500 for a violation of RCW 19.122.055(1)(a), as follows:

- **\$2,500 penalty for the violation of RCW 19.122.055(1)(a) that occurred on August 7, 2023**

This violation was for damage to an underground natural gas facility on August 7, 2023, that occurred because the Company failed to provide notice to facility operators through the one-call utility locator service as required before excavating. Rodarte's failure to notify the one-call locator service resulted in damage to a Puget Sound Energy (PSE) natural gas facility.

On March 4, 2024, the Company responded to the Commission's penalty assessment by admitting the violation and requesting mitigation because Rodarte "made good faith efforts to outline the work area and call into the one-number locator service." Rodarte explained the "locate ticket cut short approximately 400' of the actual dig site and was due to a clerical oversight within the one-call system."

RCW 19.122 is clear in its requirements that the excavator is responsible for notifying 811 before excavating and authorizes the Commission to assess a penalty of up to \$10,000 if an excavator fails to provide the required notice and causes damage to a natural gas or hazardous liquid underground facility. The Company requested mitigation of its \$2,500 penalty amount, noting that it believed a utility locate request had been submitted for the intended work area but it fell short of extending to the full area where excavation occurred. The company explained that

Rodarte Construction, Inc.

DG-240061

Page 2

it was a clerical oversight within the One Call system, however, the text on the locate ticket and the map provided by PSE indicate the clerical oversight was the responsibility of Rodarte and not the One Call system. Rodarte did call requests for multiple tickets showing good faith effort and was communicating cooperatively with PSE regarding the locates for the large project dig site. Therefore, Staff believes that a reduced penalty amount of \$1,500 assessed is appropriate and that the Commission should approve the Company's request for mitigation of the penalty based on the reasons provided.

If you have any questions, please contact Joice Hagen, Compliance Investigator at (360) 664-1321, or by email at Joice.Hagen@utc.wa.gov.

Sincerely,

Scott Rukke
Pipeline Safety Director