

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: D-250158

PENALTY AMOUNT: \$1,000

Investigation # 9101

SERVICE VIA EMAIL

Pat Darras
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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Cascade Natural Gas Corporation (CNGC or Company) violated Revised Code of Washington (RCW) 19.122.030(3)(a) by failing to provide the excavator with reasonably accurate information by marking the location of its facilities.

RCW 19.122.070(1) states, in part, that violations of any provision of the chapter are subject to a civil penalty of not more than \$1,000 for an initial violation and not more than \$5,000 for each subsequent violation within a three-year period.

On March 6, 2025, the Safety Committee heard case 25-011 filed by Steelport, LLC. (Steelport or Complainant) against CNGC and determined CNGC violated RCW 19.122.030(3)(a) by failing to provide the excavator with reasonably accurate information by marking the location of its facilities. The Safety Committee recommended that the Commission impose a \$1,000 penalty.

Commission staff (Staff) reviewed the documents, reports, and communications with the Safety Committee and agreed with the Safety Committee's findings and recommendations.

The Commission hereby notifies you that it is assessing a \$1,000 penalty (Penalty Assessment) against you on the following grounds:

1. Alleged Violation:

The Complainant states that on February 4, 2025, CNGC failed to provide the excavator with reasonably accurate information by marking the location of its facilities.

2. Analysis:

The alleged violation concerns RCW 19.122.030(3)(a), by failing to provide the excavator with reasonably accurate information by marking the location of its facilities.

The complaint submitted by Steelport noted that the location, 2404 Allen Street, Kelso, WA, was marked clear of gas lines, and the website indicated that there were no natural gas facilities in the area. The complaint also documented that Steelport proceeded to break an unmarked gas line.

During the peer review, Steelport stated that it requested a locate and that work was to begin on February 3, 2025. On the morning of February 3, 2025, there was paint at the site indicating the location was clear, and the status for the locate on the 811 website also noted the location was clear. Steelport stated that when it hit the gas line, it submitted an emergency ticket. Steelport learned that CNGC was not using the correct maps.

CNGC stated it failed to hook up to find the facilities and instead relied on old yellow paint on the ground, marking the ticket as cleared. CNGC acknowledged that if it had hooked up to the facilities, it would have realized the other locate ticket was incorrect, and the line would have been located.

Staff searched the Washington One Call Center database and found ticket #25036712. This ticket showed Steelport calling in a locate request on January 29, 2025, for 2404 Allen Street, Kelso, WA. The ticket's status showed that CNGC marked the location as "Clear, No Utility Owned Facility in Excavation Area."

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 Steelport workers, utility technicians, nearby homeowners, and the public, and it could have resulted in severe injury and/or loss of property.
2. **The likelihood of recurrence.**
The likelihood of recurrence depends on CNGC's actions going forward, and its ability to ensure that its contract locator and its locator's processes are sufficient to comply with the requirements of the dig law.
4. **The Company's previous Penalty Assessments**
On February 10, 2015, the Commission issued CNGC a Penalty Assessment of \$1,000 for one violation of RCW 19.122.030(3)(a) – in docket UG-143953.

The Commission has considered these factors and agrees with the Safety Committee's findings of probable violation and penalty recommendation, as follows:

- \$1,000 penalty for one violation of RCW 19.122.30(3)(a) with an offer to suspend an \$800 portion of the penalty for one year, then waive it, subject to the conditions that:
 - 1) The Company must not commit any further violations of RCW 19.122 within 12 months of the date of this Penalty Assessment.

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 subject to the following conditions:
 - The Company must not incur any additional violations of RCW 19.122 within 12 months of the date of this Penalty Assessment; 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 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. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.

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

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

DATED at Lacey, Washington, and effective May 19, 2025.

/s/Connor Thompson

CONNOR THOMPSON

Interim Director, Administrative Law
Division

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT D-250158 Investigation # 9101

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 and:
- ☐ 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, and ultimately waive, the remaining \$800 penalty amount subject to the following conditions:
- ☐ The Company must not commit any further violations of RCW 19.122 within twelve (12) months of the date of this Notice.
- ☐ 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.