Service Date: November 17, 2025

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: DG-250798
PENALTY AMOUNT: $10,000
Investigation # 9152

EMAIL SERVICE

UBI: 328-000-223

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YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Avista Corporation (Avista or Company) violated Revised Code of Washington (RCW) 19.122.030(4)(a) by failing to provide information to an excavator no later than the work-to-begin date.

RCW 19.122.030(4)(a) states in part, that a facility operator must provide information to an excavator pursuant to subsection (3) of this section, as to its locatable and unlocatable underground facilities, no later than the work-to-begin date on the notice.

RCW 19.122.055(2) states, in part, that

> any hazardous liquid or gas pipeline operator who (a): (i) Fails to accurately locate the underground facility as required under RCW 19.122.030 (3) and (4); or (ii) fails to mark its underground facilities as required under RCW 19.122.030(1), and (b) whose underground facility is damaged as a result of the failure in (a) of this subsection is subject to a civil penalty of not more than $25,000 for each violation.

Commission staff (Staff) conducted an investigation that included reviewing damage reports, investigation reports, the One Call Center database, and communications with the Company. The documents reviewed identified a natural gas event that involved Avista damaging a natural gas facility while excavating without a valid locate ticket.

The Commission reviewed findings and recommendations made by Staff and hereby notifies you that it is assessing a $10,000 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation:**
On September 12, 2025, M & L hit an Avista natural gas line at 6802 North Jefferson St., Spokane, Washington. The Complaint submitted on September 15, 2025, indicated that Avista failed to locate its facilities which resulted in the Complainant hitting the gas line.

2. **Analysis:**
The alleged violation concerns RCW 19.122.030(4)(a). which states, in part, that a facility operator must provide information to the excavator before the work-to-begin date. The Complainant reported that on September 12, 2025, during excavation it hit an unlocated ¾" steel gas line. The Complainant filed a Dirt (Damage Information Reporting Tool) report on September 15, 2025, stating it had struck a steel gas line that had not been located. The report indicated the cause of damage was "not marked due to locator error."

Staff sent email communication to Avista on September 16, 2025, requesting a response to the complaint of alleged violation. On October 15, 2025, Avista responded with email and supporting documents explaining that the facility damaged was an "unmapped" steel gas stub. Avista explained that the stub was not reflected in its GIS system, legacy mapping or service records. Avista filed a Dirt report on October 7, 2025, indicating a gas line had been hit by M & L, and the cause of damage was due to incorrect facility records/maps. Additionally, in its response documents, Avista alleged that M & L was observed excavating prior to the locates being completed and failed to notify the One Call Center after it caused the damage

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/or loss of property.

2. **Whether the violation is intentional.**
The violation appears to be due to negligence by Avista and its locators. Avista has been penalized by the Commission on 23 occasions for violations of RCW 19.122. Avista is aware of the requirements to comply with the dig law but continues to have violations involving its locating practices.

3. **Whether the company self-reported the violation.**
The Commission became aware of the violation when M & L Construction 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 ability to locate underground facilities as required by Washington State's Dig Law.

5. **The Company's previous violations and penalties.**
   - **Warning Letter**
     - On January 11, 2024, the Commission mailed an Alleged Violation of Washington Dig Law letter to Avista Corporation. The letter included detailed information about Washington State's Underground Utility Damage Prevention Act, requirements for submitting utility locate requests before excavating, and the possibility of penalties for each violation. The Commission mailed the letter after receiving a report of damage caused by Avista Corporation on October 20, 2023, that occurred because the Company failed to submit a request to locate underground utilities before excavating.

   - **Penalty Assessments**
     - Since December 2018, the Commission issued Avista Corporation 23 Penalty Assessments for violations of RCW 19.122.

The Commission has considered these factors and determined that it should penalize Avista Corporation as follows:

- $10,000 penalty for one violation of RCW 19.122.055(1)(a).

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 $10,000 penalty amount due; 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. 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).[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 November 17, 2025.

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

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

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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 $10,000 in payment of the penalty.
OR ☐ Attest that I have paid the penalty in full through the Commission's payment portal.

☐ 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 provide 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 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.