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Submitted to Darrin Ulmer via electronic mail at Darrin.Ulmer@puc.idaho.gov

August 8, 2019

Mr. Darrin Ulmer  
Program Manager  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Re: Response to IPUC letter dated July 2, 2019

Dear Mr. Ulmer:

In your letter of July 2, 2019, you documented one area of probable violation discovered during the IPUC Pipeline Safety Drug and Alcohol Program Audit on May 7, 2019. Please find herein a restatement of the probable violation / findings and Avista's response.

**Probable Violation:**

Avista was found out of compliance with 49 CFR §199.105 as discussed herein:

**PROBABLE VIOLATION**

1. **49 C.F.R. § 199.105 Drug tests required (c) Random testing.**
  - *(1) Except as provided in ... the minimum annual percentage rate for random drug testing shall be 50 percent of covered employees.*
  - *(6) The operator shall randomly select a .... If the operator conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual operator or may be based on the total number of covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this subpart or any DOT drug testing rule.*

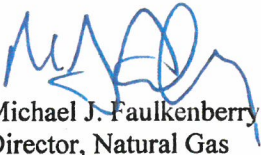
**Finding(s):**

Avista used Cascade Cable Constructors Inc. in 2018 as a part of the consortium contractor pool that is administered by a third party. A review of the DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form revealed that the pool may not have met the required 50 percent testing rate. Avista has confirmed that the pool in fact did not meet that rate for 2018.

**Avista Response to Probable Violation:**

Cascade Cable Constructors, Inc. has opted to become a stand-alone pool in 2019, which ensures that Avista will be able to properly monitor all required testing moving forward. In addition, Avista will be doing a quarterly reconciliation of our third party administrator's (National Compliance Management Systems-NCMS) records beginning in Q3 of 2019, to ensure that testing thresholds are being met. Avista will record any discrepancies found in the data and work with contract companies to correct any issues discovered. Avista is also reviewing its contract language to ensure that contracting companies are aware of their obligations as they relate to DOT Drug and Alcohol testing.

Respectfully Submitted,



Michael J. Faulkenberry  
Director, Natural Gas  
MJF/rkb

Cc: Karen Cash, Gas Compliance Manager  
Patrick Everitt, Manager HR Analytics and Consulting Services  
Hallie Rowland, Fitness for Duty and HR Compliance Administration  
IPUC Correspondence File

