



Idaho Public Utilities Commission

PO Box 83720, Boise, ID 83720-0074

Brad Little, Governor

Paul Kjellander, Commissioner
Kristine Raper, Commissioner
Eric Anderson, Commissioner

July 2, 2019

Report # A201904

Mike Faulkenberry
Avista Corporation
1411 Mission Ave, MSC-6
P.O. Box 3727
Spokane, WA. 99220-3727

Dear Mr. Faulkenberry:

On May 7-8, 2019 a representative of the Idaho Public Utility Commission, Pipeline Safety Division, pursuant to Chapter 601 of Title 49, United States Code, conducted a compliance inspection of Avista's Drug and Alcohol Program for Idaho.

The inspection revealed Avista is out of compliance, resulting in a probable violation of the pipeline safety regulations Title 49, Code of Federal Regulation, Part 199.105 for calendar year 2018. The probable violation will be discussed below.

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.

The above mentioned items were brought to the attention of your representatives during the onsite inspection. We would request that you review this matter and respond in writing within 45 days regarding the above issue including any planned corrective action.

REQUESTED ACTION

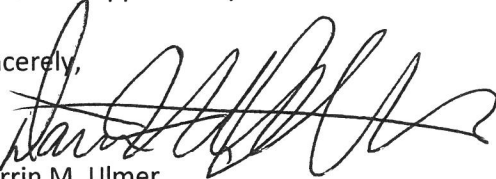
A reply to this letter, as outlined below, is required no later than 45 days from the date of this letter. Please send all documents to our office at P.O. Box 83720-0074, Boise, Idaho 83720-0074. Be advised that all material you submit in response to this enforcement action may be a public record, subject to disclosure under Idaho's Public Records Law. See Idaho Code § 74-101-126.

You have a right to appear before the Pipeline Safety Division in an informal conference before August 19, 2019, at the Commission's offices at 472 W. Washington St, Boise, Idaho 83702. You have the right to present relevant documents to the Commission at that conference. The Commission will make available to you any evidence which indicates that you may have violated the law, and you will have the opportunity to rebut this evidence. If you intend to request an informal conference, please contact the Pipeline Safety Division no later than August 5, 2019.

If you wish to dispute the allegations in this notice, but do not want an informal conference, you may send the Pipeline Safety Division a written reply to this notice. This written reply must be filed with the Commission on or before August 19, and must be signed by a Company Official. The reply must include a complete statement of all relevant facts including a complete description of the corrective action(s) taken and any and all actions to be taken to prevent future failures in these areas of concern.

If you do not respond to this notice, as specified above, by August 19, 2019, you may be subject to statutory civil penalties and further enforcement, as allowed by law. Idaho Code § 61-712A states that "[a]ny person who violates or fails to comply with, or who procures, aids or abets any violation of title 61, Idaho Code, governing safety of pipeline facilities and the transportation of gas, or of any order, decision, rule or regulation duly issued by the Idaho public utilities commission governing the safety of pipeline facilities and the transportation of gas, shall be subject to a civil penalty of not to exceed two thousand dollars (\$2,000) for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed two hundred thousand dollars (\$200,000) for any related series of violation."

If you have any questions concerning this notice, please contact me at (208) 334-0321. Also all written responses should be addressed to me at the above address or you may fax your response to (208) 334-4045. We appreciate your attention to this matter and your effort to promote pipeline safety.

Sincerely,

Darrin M. Ulmer
Pipeline Safety, Program Manager
Idaho Public Utility Commission