



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
PO Box 44540 • Olympia, Washington 98504-4540
360/902-5335 Fax 360/902-5300

June 1, 2007

Jerry Hardt, Vice President, Finance and Accounting
UTILX Corporation
P.O. Box 97009
Kent, WA 98064

Re: Prevailing rate of wage for Cable CURE silicone injection

Dear Mr. Hardt:

A copy of the department's October 30, 1997 correspondence to Utilx is enclosed. In that letter, the department certified your Affidavit of Wages Paid form with your regular rate of wage. However, it was noted that pending the review of further information a wage determination would be made. This letter makes that determination.

RCW 39.12.020 requires that "The hourly wages to be paid to laborers, workers or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality, or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such work is performed."

The department has reviewed the job descriptions Utilx provided, on-line materials on silicone injection and CableCURE, as well as the scopes of work adopted as Washington Administrative Code (WAC). The answer below is based on that information. References to the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) are included. If additional facts or different information are introduced resulting in a new set of facts, the answers may be different.

The scope of work for Power line construction electricians (WAC 296-127-01320) does include this particular work. The bold, italic language below is especially relevant:

WAC 296-127-01320 Power line construction electricians. For the purpose of the Washington state public works law, chapter 39.12 RCW, ***power line construction electricians erect, maintain and repair*** transmission poles (whether built of wood, metal or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, ***electric cables and related auxiliary equipment for high-voltage transmission and distribution power lines used to conduct energy between generating stations, substations and consumers.***

The work includes, but is not limited to:

- The moving of men, tools, or equipment. The sorting, loading and moving of materials from the first drop. The handling, assembling and erecting of all necessary materials.
- The trenching, digging, and backfilling of vaults, holes for poles and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, the stringing and installation of transformers.
- Constructing, repairing and maintaining highway and street lighting systems and highway and street traffic signal systems.
- Trimming trees and brush prior to the construction of new power lines, during repair of damaged lines, or as part of routine maintenance of the lines (tree trimmers).
- All the cleanup required in connection with line construction electrician work.

All the classifications listed below work under the supervision of linemen and assist linemen.

(1) Groundmen. Performs the following tasks:

- Manual digging of pole holes, anchor holes and trenches.
- Assists in framing of poles, pulling guys.
- Assembles and erects fixtures.
- Tamping and compacting.
- Driving of 1/2 to 3/4 ton pickup truck.

(2) Head groundman. Performs the following tasks:

- Manual digging of pole holes, anchor holes, and trenches.
- Assists in framing of poles, pulling guys.
- Assembles and erects fixtures.
- Tamping and compacting.
- Driving of 1/3 to 3/4 ton pickup truck for material or man haul.

(3) Line equipment operators. They operate caterpillars, trucks equipped with winch and/or boom, hydraulically operated backhoes with or without front end loaders, mounted booms, and any other equipment that does not come within the scope of heavy equipment operators.

(4) Heavy line equipment operators. They operate any piece of equipment which, in accordance with manufacturer's recommended specifications is capable of operating with one hundred or more aggregate feet of boom, be it crane,

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backhoe, clam shell, drag line, or shovel.

[Statutory Authority: Chapter 39.12 RCW, RCW 43.22.270 and 43.22.051. 00-15-077, § 296-127-01320, filed 7/19/00, effective 7/19/00.]

WAC 296-127-01320 (emphasis added).

The information provided by Utilx indicates that the Team Leader and the Injection Technician are prohibited from performing electrical switching, electrical craftwork, and entering within a four foot radius of potentially energized electrical enclosure. That work is performed by a journey level line person (Power line construction electrician). So long as a line person supervises, some of the subcategories in the Power line construction WAC may be utilized for the tasks performed by the Team Leader and the Injection Technician.

On public works projects subject to RCW 39.12, and with the supervision of a journey level line person, your Team Leader may be paid in the subcategory of Head Groundperson, Power line construction; and your Injection Technician may be paid as a Groundsperson, Power line construction.

For any project bid after July 1, 2007, approval of your Statement of Intent to Pay Prevailing Wages and Affidavit of Wages Paid forms will require the wage rate paid to conform to these prevailing rates of pay listed under Power line construction electricians (WAC 296-127-01320).

Washington State prevailing wage information, including the journey-level and apprentice wage rates, are available on the Department's web site:

<http://www.lni.wa.gov/TradesLicensing/PrevWage/default.asp>

I appreciate the information sent by Utilx as well as your cooperation in compliance with the prevailing wage law. If you need additional information or have any questions, please call or email me at 360 902-5330 or somd235@lni.wa.gov.

Sincerely,



David J. Soma
Industrial Statistician
Prevailing Wage Program Manager

cc: Dee M. Klapperich, Utilx

Enclosure



REC'D NOV 05 1997

STATE OF WASHINGTON

DEPARTMENT OF LABOR AND INDUSTRIES
PO BOX 44540, OLYMPIA, WASHINGTON 98504-4540
(360) 902-5330 FAX (360) 902-5300

October 30, 1997

Phyllis Miller
UTILX Corporation
PO Box 97009
Kent, WA 98064-9709

Dear Ms. Miller:

Thank you for your telephone inquiry of October 29th requesting clarification of the proper wage classifications for workers participating in the CableCure cable renovation process.

As I relayed in my letter of October 14th, the minimum rate for installing devices onto existing cabling systems, as well as other physical modification to those systems, would be that of Lineman. Other classifications under Power Line Electrician may be appropriate for crew members working in support of Linemen.

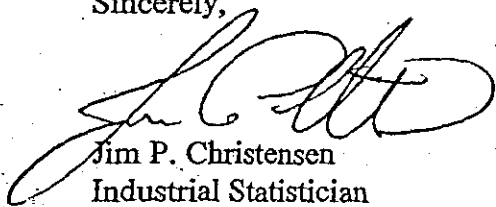
It is my understanding that a portion of the work performed involves duties that are not described in the Power Line Construction Electrician scope of work. Specifically, the setting up of the silicone injection mechanism (sans any physical modification to the cabling and associated systems) may fall outside the Power Line Electrician - Lineman duties. As you can see, the scope specifically states that "Power Line Construction Electricians erect, maintain and repair...electric cables...between generating stations, substations and consumers". Clearly, this statement encompasses all work on electrical transmission cables, including silicone injection.

While I am convinced that the work you describe falls within the Power Line Construction Electrician trade, I am not certain that an occupation within that trade exists that contemplates handling, erecting, and operating silicone injection equipment. Testing and monitoring of this equipment may not involve workmen, laborers, or mechanics, and therefore would be outside the realm of Chapter 39.12 RCW. Until I can gather enough information to provide a more definitive answer regarding the proper classification of this work, this office will accept your regular wage rates as appropriate. I will look forward to receiving any further documentation you can provide that may assist in any future determination.

Phyllis Miller
October 30, 1997
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Thank you again. If you have any questions or would like to discuss this issue please contact me at (360) 902-5330.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim P. Christensen". The signature is stylized with a large, sweeping initial "J" and a long, horizontal flourish extending to the right.

Jim P. Christensen
Industrial Statistician

enclosures