



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

August 5, 2016

Scott Anthony Christiansen, Member
Christiansen's Contracting Company, LLC
915 SW Rimrock Way Ste. 201 #173
Redmond, OR 97756

Scott Anthony Christiansen – Registered Agent
Christiansen's Contracting Company, LLC
11350 SW Kingwood
Redmond, OR 97756

Re: Violation of Oregon Utility Notification Center Rules
DOJ File No.: 860501-GB0462-16/ Docket No.: NC 352

**PLEASE READ ALL DOCUMENTS CAREFULLY –
DIRECT ALL CORRESPONDENCE TO THE PUBLIC UTILITY COMMISSION OF OREGON**

On June 27, 2016, a representative from your company met with the Oregon Utility Notification Center (OUNC) Enforcement Committee to discuss alleged rule violations. At that meeting, an agreement was reached regarding penalties for the violations.

Enclosed are two sets of documents that contain a Complaint and a Stipulation. The Complaint serves as a formal notice to you of the violation you were charged with and requires that you Answer the allegation. Because you already reached an agreement with the OUNC Committee, you do not need to submit an Answer. Instead, you need only sign and return the enclosed Stipulation in order to answer the Complaint. If you had not reached an agreement with the OUNC Committee, filing an Answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing.

The Stipulation sets forth the terms and conditions of the agreement you reached with the OUNC Committee. To finalize the settlement, **you must sign the original Stipulation and mail it within 20 days of the date of this letter to:**

**Public Utility Commission of Oregon
Administrative Hearings Division
201 High St. SE, Ste. 100
PO Box 1088
Salem OR 97308-1088**

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You do not need to make payment until the Commission has approved the Stipulation. The Commission should issue an order adopting the Stipulation within 30 days of its receipt. Please retain the extra copy of the Stipulation for your files.

If for some reason you no longer agree to the terms of the Stipulation, you **MUST FILE AN ANSWER TO THE COMPLAINT**, admitting or denying the allegation.

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Kevin Hennessy at (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider
Assistant Attorney General
Business Activities Section

Enclosures
JMR:mxg/#7507222

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5.

OUNC adopted OAR 952-001-0050 and 952-001-0090 which were in effect at all times herein relevant. The rules provide in part:

OAR 952-001-0050:

(1) * * * [A]t least 2 business days, but not more than 10 business days before beginning an excavation, the excavator must notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the type of work to be performed.

OAR 952-001-0090:

(2) Once underground facilities have been marked, the excavator must:

* * *

(c) Employ hand tools or other such non-invasive methods to determine the exact location of the underground facility when excavation is to be made within the reasonable accuracy zone.

6.

On two occasions, on or about May 12, 2016 and June 10, 2016, Defendant violated OAR 952-001-0050, in that Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation before commencing excavations at or near 61000 Sweet Pea Drive and 61805 Azalia Place, both in Bend, Oregon. Defendant also violated OAR 952-001-0090(2) by failing to employ hand tools or other non-invasive methods to excavate within the reasonable accuracy zone of marked facilities. On both occasions, Defendant caused damage to underground facilities.

7.

ORS 757.993 provides, in relevant part, that:

“* * * every person who violates or who procures, aids or abets in the violation of any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.”

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Defendant has not violated OUNC rules in the past.

9.

WHEREFORE, the Commission directs Defendant to file a verified answer to this Complaint within twenty (20) days from the date this Complaint is mailed to Defendant. If no verified answer or other written appearance raising a question of fact or law is filed with the Commission at its office in Salem Oregon, within the 20-day period, the allegations of the Complaint are deemed admitted, and a penalty will be imposed in the amount of \$1,000 for each violation alleged, for a total of \$4,000.

DATED this 5th day of August 2016.

Respectfully submitted,



Johanna M. Riemenschneider, #990083
Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

1 4.

2 The parties further agree that the Commission may enter an order assessing civil
3 monetary penalties against Defendant in the amount of \$4,000 under the following terms and
4 conditions:

- 5 A. Defendant must sign and return this Stipulation within 20 days of the date it was
6 served upon (mailed to) defendant.
- 7 B. \$800 becomes due and payable on or before the 30th day following the Commission's
8 entry of its order in this case.
- 9 C. Payment must be by **money order** made out to the **Public Utility Commission of**
10 **Oregon**, and the memo line of the money order must state the "NC" docket number
11 in the caption of this Stipulation.
- 12 D. Payment of the balance of the penalties (\$3,200) will be suspended and will be
13 waived with no further penalties imposed for the violations alleged in the Complaint
14 unless Defendant fails to comply with all of the terms of this stipulation and all of the
15 rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552
16 for a one-year period following the date of the Commission's entry of an order.
- 17 E. Defendant must contact the OUNC Speakers Bureau online at
18 www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure
19 that all of defendant's employees that engage in excavation activity as part of their job
20 duties, including but not limited to notifying the Oregon Utility Notification Center of
21 proposed excavations, attend a training session on Oregon excavation laws within 45
22 days following the entry of the Commission's order.
- 23 F. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email
24 William.Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensure
25 that all of defendant's employees that engage in excavation activity or concrete work as
26

1 part of their job duties attend an operator safety presentation provided by CNG within
2 45 days following the entry of a final order.

3 G. Defendant must take a blank copy of the Training Verification form attached to this
4 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.E.
5 and 4.F. above. Defendant must ensure that all of its employees attending a required
6 training sign a Training Verification form to verify attendance. A representative of
7 the organization providing the training (Instructor) must sign the Training
8 Verification Form to verify that each person listed on the form completed the training.
9 Defendant must return all completed training verification forms to Complainant at the
10 address on the Form within 10 days of the date of the last training session and in no
11 event later than 55 days following the date of the Commission's entry of an order in
12 this docket.

13 H. In the event that Complainant contends that Defendant has not complied with all of
14 the terms of this Stipulation and all OUNC rules for that one-year period,
15 Complainant may reopen this proceeding and petition for imposition of all or a
16 portion of the suspended penalties. In such case, Defendant is entitled to a hearing
17 and to be notified of the basis upon which Complainant contends that compliance has
18 not occurred.

19 I. Complainant's failure to enforce any provision of this stipulation, or decision to
20 waive any violation or nonperformance of this stipulation in one instance, will not
21 constitute a waiver by the Complainant of that provision, any other provision, or any
22 other violation or nonperformance in another instance.

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This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 5th day of August 2016.


Johanna M. Riemenschneider, #990083
Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

DATED this _____ day of August 2016.

Defendant / Representative (signature)

(Print Name)

