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2 The parties further agree that the Commission may enter an order assessing a civil
3 monetary penalty against Defendant in the amount of \$1,000 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. \$200 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 (\$800) will be suspended and the suspended
13 penalties will be waived and no further penalties will be imposed for the violation
14 alleged in the Complaint unless Defendant fails to comply with all of the terms of this
15 stipulation and all of the rules adopted by the Oregon Utility Notification Center
16 (OUNC) under ORS 757.552 for a one-year period following the date of the
17 Commission's entry of an order.
- 18 E. Defendant must contact the OUNC Speakers Bureau online at
19 www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure
20 that all of defendant's employees that engage in excavation activity as a part of their
21 job duties, including but not limited to notifying the Oregon Utility Notification
22 Center of proposed excavations, attend a training session on Oregon excavation laws
23 within 45 days following the entry of the Commission's order.
- 24 F. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email
25 William.Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensure
26 that all of defendant's employees that engage in excavation activity as a part of their

1 job duties attend an operator safety presentation provided by CNG within 45 days
2 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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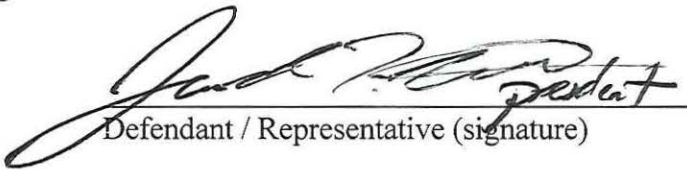
This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 5th day of August 2016.



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

DATED this 10th day of August 2016.



Defendant / Representative (signature)

Justin Latham Excavation Inc President
(Print Name)