

February 24, 2017

Mardilyn Saathoff – Registered Agent Northwest Natural Gas Company 220 NW Second Avenue Portland, OR 97209

David Anderson, President ATTN: Shawn M. Filippi - Secretary Northwest Natural Gas Company 220 NW Second Avenue Portland, OR 97209

Grant M. Yoshihara – Vice President Northwest Natural Gas Company 220 NW Second Avenue Portland, OR 97209

Re:

Violation of Oregon Utility Notification Center Rules DOJ File No. 860501-GB0072-17/ Docket No. NC 358

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

On December 16, 2016, a representative from your company met with Public Utility Commission of Oregon's Enforcement Committee to discuss an alleged violation of Oregon Utility Notification Center Rules. At that meeting, an agreement was reached regarding penalties for the violation.

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 Enforcement 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 Enforcement 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 Enforcement Committee. To finalize the settlement, you must sign the original Stipulation and mail it within 20 days of the date of this letter to:

NW Natural Gas Company February 24, 2017 Page 2

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

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, or a default order may issue.

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/#7987777

1	BEFORE THE PUBLIC UTILITY COMMISSION			
2	OF OREGON			
3	NC 358			
4	PUBLIC UTILITY COMMISSION OF OREGON,			
5		COMPLAINT		
6	Complainant,	COMPLAINT		
7	V.			
8	NORTHWEST NATURAL GAS COMPANY, dba NW NATURAL,			
9	Defendant.			
10		1.		
11	This proceeding is initiated by the Public Utility Commission of Oregon (hereinafter			
12	"Commission") to determine whether civil monetary penalties should be assessed as provided in			
13	ORS 757.993. The Commission maintains its offices at:			
14	201 High Street SE, P.O. Box 1088, Salem, Oregon 97308-1088			
15	2.			
16	At all times herein relevant, Defendant was doing business in this state.			
17	3.			
18	Under ORS 757.993, the Commission has discretion to seek penalties for violations of			
19	rules adopted by the Oregon Utility Notification Center (OUNC).			
20		4.		
21	Under ORS 757.552, OUNC has adopted	ed rules that prescribe requirements for		
22	notification to OUNC of excavation activity and marking of underground facilities for the			
23	purpose of preventing damage to such facilities. "Excavation" and other relevant definitions are			
24	contained in OAR 952-001-0010.			
25	///			
26	///			
Page 1 - COMPLAINT JMR:mxg/#7987777				

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

JMR:mxg/#7987777

1	allegations of the Complaint are deemed admitted, and a penalty will be imposed in the	
2	amount of \$1,000 for each violation alleged, for a total of \$1,000.	
3	DATED this 24th day of February 2017.	
4	Respectfully submitted,	
5		
6	Johanna M. Riemenschneider, #990083	
7	Assistant Attorney General	
8	Of Attorneys for the Public Utility Commission of Oregon	n
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19 20		
21		
22		
23		
24		
25		
26		

COMPLAINT JMR:mxg/#7987777

Page 3 -

1	BEFORE THE PUBLIC UTILITY COMMISSION			
2	OF OREGON			
3	NC 358			
4	•			
5	PUBLIC UTILITY COMMISSION OF OREGON,			
6	Complainant,	STIPULATION FOR ENTRY OF ORDER		
7	v.	,		
8	NORTHWEST NATURAL GAS COMPANY, dba NW NATURAL,			
10	Defendant.			
11	The Public Utility Commission of Oregon, appearing by and through Johanna M.			
12	Riemenschneider, Assistant Attorney General, and Northwest Natural Gas Company, the			
13	Defendant herein, hereby stipulate as follows:			
14	1.			
15	A Complaint in this case is pending before the Commission charging the Defendant with			
16	one violation of law, OAR 952-001-0050(3).			
17	2.			
18	Both parties to this proceeding are willing to forego further processing of that Complaint			
19	and further are willing to resolve this matter on the basis of this Stipulation.			
20	3.			
21	The Defendant admits that the violation was committed as alleged in the Complaint and			
22	is willing for the Commission to enter an order finding that the violation was committed as			
23	alleged in the Complaint.			
24	///			
25	///			
26				
Page 1 - STIPULATION FOR ENTRY OF ORDER (NC 358) JMR:mxg/#7987777				

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

4. 1 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. B. \$1,000 becomes due and payable on or before the 30<sup>th</sup> day following the 7 8 Commission's entry of its order in this case. 9 C. Payment must be by money order made out to the Public Utility Commission of Oregon, and the memo line of the money order must state the "NC" docket number 10 11 in the caption of this Stipulation. 12 D. Defendant must provide to Complainant's safety staff, Kevin Hennessy, training 13 materials for Defendant's training program provided to company employees 14 responsible for providing notice to the Oregon Utility Notification Center (OUNC). 15 Defendant shall also provide the company job classifications or positions that receive 16 this training, how often and when such trainings will occur. Defendant must provide 17 this material within 55 days following the date of the Commission's entry of an order 18 in this docket. 19 E. 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. 23 24 /// 25 111

Page 2 - STIPULATION FOR ENTRY OF ORDER (NC 358) JMR:mxg/#7987777

26

1///

Page 3 - STIPULATION FOR ENTRY OF ORDER (NC 358) JMR:mxg/#7987777

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784