1	BEFORE THE PUBLIC UTILITY COMMISSION
2	OF OREGON
3	NC 380
4	PUBLIC UTILITY COMMISSION OF OREGON,
5	Complainant, STIPULATION FOR ENTRY OF ORDER
6	V.
7	LOY CLARK PIPELINE CO.,
8 9	Defendant.
10	The Public Utility Commission of Oregon, appearing by and through Johanna M.
11	Riemenschneider, Senior Assistant Attorney General, and Loy Clark Pipeline Co., the Defendant
12	herein, hereby stipulate as follows:
13	1.
14	A Complaint in this case is pending before the Commission charging the Defendant with
15	one violation of law, OAR 952-001-0050(1).
16	2.
17	Both parties to this proceeding are willing to forego further processing of that Complaint
18	and further are willing to resolve this matter on the basis of this Stipulation.
19	3.
20	The Defendant admits that the violation was committed as alleged in the Complaint and
21	is willing for the Commission to enter an order finding that the violation was committed as
22	alleged in the Complaint.
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1	4.
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. Payment of the penalty (\$1,000) is suspended and will be waived with no further
8	penalties imposed for the violation alleged in the Complaint unless Defendant fails to
9	comply with all of the terms of this Stipulation and all of the rules adopted by the
10	Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period
11	following the date of the Commission's entry of an order.
12	C. Defendant must provide the Commission with a plan or procedure (policy) that
13	identifies the company's workflow process for giving notice of proposed excavations
14	to the Oregon Utility Notification Center (OUNC) within 60 days following the
15	Order. The policy must include but is not limited to the following:
16	1) Describe the purpose of the policy and commitment thereof by leadership,
17	management, and employees;
18	2) Identify conditions and types of work that require a 48 hour notice, design notice
19	and emergency notification to the OUNC;
20	3) Identify tasks assigned to participants by title or position and their roles and
21	responsibilities in the workflow process;
22 .	4) Identify technology or systems used throughout the policy that enables the
23	completion of tasks; and
24	5) Establish criteria for periodic review of the effectiveness of this policy and
25	identify best practices for its implementation.
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1	D. In the event that Complainant contends that Defendant has not complied with all of
2	the terms of this Stipulation and all OUNC rules for that one-year period,
3	Complainant may reopen this proceeding and petition for imposition of all or a
4	portion of the suspended penalty. In such case, Defendant is entitled to a notice and
5	hearing on the basis upon which Complainant contends that compliance has not
6	occurred.
7	E. Complainant's failure to enforce any provision of this Stipulation, or decision to
8	waive any violation or nonperformance of this Stipulation in one instance, will not
9	constitute a waiver by the Complainant of that provision, any other provision, or any
10	other violation or nonperformance in another instance.
11	5.
12	This Stipulation is conditioned upon final approval of its terms by the Commission. If
13	the Stipulation is not accepted in its entirety, it is deemed withdrawn.
14	
15	DATED this 9th day of January 2018.
16	$1/\mathcal{D}$
17	John Kunner Ishanna M. Biomanachuaidan #0000092
18	Johanna M. Riemenschneider, #990083 Senior Assistant Attorney General
19	Of Attorneys for the Public Utility Commission of Oregon
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21	DATED this 25^{44} day of January 2018.
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24	Defendant / Representative (signature)
25	Fred Macy
26	(Print Name)
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