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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

NC 72

PUBLIC UTILITY COMMISSION OF)
OREGON,)

Complainant,)

v.)

EXCEL EXCAVATION, (an Oregon)
corporation),)

Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On April 1, 2003, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law and requested a penalty of \$1,000. On April 10, 2003, a copy of the complaint was served.

On April 14, 2003, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

Defendant admits committing the violation alleged in the complaint. The stipulation is adopted.

From the foregoing, it is concluded that no hearing is required. Under the terms of the stipulation, the allegations of the complaint are true, and Defendant has violated Oregon Administrative Rule(s) as alleged. Pursuant to the provisions of ORS 757.993, penalties should be assessed against Defendant under the terms and conditions of the stipulation.

Defendant has completed a training session on Oregon excavation laws with the Oregon Utility Notification Center Speakers Bureau, as specified in Paragraph 4B of the Stipulation.

ORDER

IT IS ORDERED that:

1. Civil monetary penalties shall be assessed against Defendant in the amount of \$1,000 for one violation of law.
2. Payment of the penalties (\$1,000) shall be suspended, unless Defendant has violated, within one year of the date of this order, any rules administered by the Oregon Utility Notification Center.

Made, entered, and effective _____.

John Savage
Director
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to ORS 756.580.

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OF OREGON**

NC 72

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

EXCEL EXCAVATION, (an Oregon
corporation),

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and Excel Excavation, Inc., the defendant herein, hereby stipulate as
follows:

1.

A Complaint in this case is pending before the Commission charging the defendant with
one violation of law, as set out in the attached Complaint on file herein.

2.

Both parties to this proceeding are willing to forego further processing of that Complaint
and further are willing to resolve this matter on the basis of this stipulation.

3.

The defendant admits that the violation was committed as alleged in the Complaint and is
willing for the Commission to enter an order finding that the violation was committed as alleged
in the Complaint.

4.

A. \$1,000 shall be permanently suspended and no further penalties shall be imposed for the
violation alleged in the Complaint unless defendant fails to comply with all of the rules

1 adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one
2 year period following date of the Commission's entry of a final order.

3 B. Within 30 days following entry of the Commission's final order, defendant shall contact
4 the OUNC Speakers Bureau and attend a training session on Oregon excavation laws.

5 C. In the event that complainant contends that the defendant has not complied with all
6 OUNC rules for that one year period, complainant may reopen this proceeding and
7 petition for imposition of all or a portion of the suspended penalties. In such case
8 defendant shall be entitled to a hearing and to be notified of the basis upon which
9 complainant contends that compliance has not occurred.

10 5.

11 This stipulation is conditioned upon final approval of its terms by the
12 Commission. If the stipulation is not accepted in its entirety, it shall be deemed
13 withdrawn.

14
15 DATED this ____ day of _____, 2003.

16
17 _____
18 Paul A. Graham, OSB #77190
19 Assistant Attorney General
20 Of Attorneys for PUC Staff

21 DATED this ____ day of _____, 2003.

22
23 _____
24 Representative for Defendant
25
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