

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 128

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
FLYING H CONSTRUCTION COMPANY)
(an Oregon corporation),)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On April 14, 2005, 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 19, 2005, a copy of the complaint was served.

On April 25, 2005, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, Defendant admits committing the alleged violation and agrees that the Commission may enter an order assessing civil monetary penalties. Defendant also agrees to complete, within 45 days following execution of the stipulation, a training session with the Oregon Utility Notification Center Speakers Bureau on Oregon excavation laws. The Commission records indicate that Defendant has completed the training session.

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.

ORDER

IT IS ORDERED that:

1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Defendant in the amount of \$1,000 for one violation of law.
3. Defendant shall pay the sum of \$1,000, due and payable within 30 days from the date of service of this order. (Mail payment to: Public Utility Commission of Oregon, PO Box 2153, Salem, OR 97308.)
4. No further penalties shall be imposed, unless:
 - (a) Defendant fails to comply with paragraph 3 above; or
 - (b) A showing is made that 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 OCT 13 2005



Lee Sparling
Lee Sparling
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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APR 26 2005

Public Utilities Commission of Oregon
Administrative Hearings Division

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 128

RECEIVED

APR 26 2005

P.U.C

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

FLYING H CONSTRUCTION COMPANY
(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 Flying H Construction Company, 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.

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.

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5.

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 If the stipulation is not accepted in its entirety, it shall be deemed withdrawn.

DATED this 14th day of April, 2005.

Paul A. Graham
Paul A. Graham, OSB #77190
Assistant Attorney General
Of Attorneys for PUC Staff

DATED this 25 day of April, 2005.

[Signature]
Representative for Defendant