## ENTERED 10/18/05 BEFORE THE PUBLIC UTILITY COMMISSION

#### **OF OREGON**

NC 138

PUBLIC UTILITY COMMISSION OF OREGON,	) )	
Complainant,	) )	
V.	) )	ORDER
CITY OF TIGARD,	) )	
Defendant.	) )	

#### 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 21, 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. A review of the Commission's records indicates that Defendant has completed the training session.

The parties further agree that a portion of the penalties should be suspended, unless Defendant fails to comply with any provision of the stipulation or violates any rule adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a period of one year following the date of the Commission's final order in this proceeding. 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. Payment of the penalties (\$1000) shall be suspended, unless 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.
- 4. If Defendant has not complied with all OUNC rules for that one year period described in paragraph 3 above, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties.

Made, entered, and effective

OCT 1 8 2005



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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.

## ORDER NO. 05-1130

# RECEIVED

## APR 2 8 2005

ionof Oregon 1gsDivision

1	BEFORE THE PUBLIC UTILITY COMMISSION Public Utility Commis			
2	OF OI	Administrative Hearings		
3	NC 138			
4 5	PUBLIC UTILITY COMMISSION OF OREGON,			
6 7	Complainant, v.	STIPULATION FOR ENTRY (	OF FINAL ORDER	
8	CITY OF TIGARD,			
9	Defendant.			
10	The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,			
11	Assistant Attorney General, and City of Tigard, the defendant herein, hereby stipulate as follows:			
12		1.		
13	A Complaint in this case is pending before the Commission charging the defendant with			
14	one violation of law.			
15		2.		
16	Both parties to this proceeding are willing to forego further processing of that Complaint			
17	and further are willing to resolve this matter on the basis of this stipulation.			
18		3.		
19	The defendant admits that the violation was committed as alleged in the Complaint and is			
20	willing for the Commission to enter an order finding that the violation was committed as alleged			
21	in the Complaint.			
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24	///	DOCKETED		
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26	///			

Salem, OR 97310 (503) 378-6322

APPENDIX A PAGE / OF 3

## ORDER NO. 05-1130

1		4.
2	Tł	ne parties further agree that the Commission may enter an order assessing civil
3	monetary	penalties against the defendant in the amount of \$1,000 under the following terms and
4	conditions	5:
5	А.	Payment of penalties (\$1,000) shall be permanently suspended unless defendant fails
6		to comply with all of the rules adopted by the Oregon Utility Notification Center
7		(OUNC) under ORS 757.552 for a one year period following date of the
8		Commission's entry of a final order.
9	B.	Defendant shall contact the OUNC Speakers Bureau at (503) 232-1987 to arrange for
10		and attend a training session on Oregon excavation laws within 45 days following the
11		execution of this Stipulation.
12	C.	In the event that complainant contends that the defendant has not complied with all
13		OUNC rules for that one year period, complainant may reopen this proceeding and
14		petition for imposition of all or a portion of the suspended penalties. In such case
15		defendant shall be entitled to a hearing and to be notified of the basis upon which
16		complainant contends that compliance has not occurred.
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 $\begin{array}{c} \text{APPENDIX A} \\ \text{PAGE } \underline{2} \text{ OF } \underline{3} \end{array}$ 

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## ORDER NO. 05-1130

1	5.
2	This stipulation is conditioned upon final approval of its terms by the Commission. If the
3	stipulation is not accepted in its entirety, it shall be deemed withdrawn.
4	
5	DATED this day of April, 2005.
6	Pauld. Makan
7	Paul A. Graham, OSB #77190
8	Assistant Attorney General Of Attorneys for PUC Staff
9	Of Automeys for 1 de Staff
10	DATED this $2/$ day of <u>April</u> , 2005.
11	Dala
12	Representative for Defendant
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14	
15	
16	Training was Completed pr December 29, 2004
17	Duember 29, 2004
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APPENDIX APAGE <u>3</u> OF <u>3</u>