ENTERED AUG 2 4 2017

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

NC 362

PUBLIC UTILITY COMMISSION OF OREGON,	
Complainant,	
v.	ORDER
DAVISON CONSTRUCTION LLC,	
Defendant.	

DISPOSITION: STIPULATION ADOPTED

On July 27, 2017, the Public Utility Commission of Oregon filed a complaint against defendant. The complaint charged defendant with one violation of law, OAR 952-001-0050, and requested a penalty of \$1,000. On July 27, 2017, a copy of the complaint was served.

On August 3, 2017, the parties in these proceedings 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 the entry of a final order, a training session with the Oregon Utility Notification Center Speakers Bureau on Oregon excavation laws and with Cascade Natural Gas on operator safety. A review of the Commission's records indicates that defendant has completed the training session on excavation laws and operator safety.

The parties further agree that 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 under ORS 757.552 for a period of one year following the date of the Commission's final order in these proceedings.

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 as alleged. Under 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 Davison Construction LLC in the amount of \$1,000 for one violation of law.
- 3. Payment of the balance of the penalties (\$1,000) 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.

Made, entered, and effective _____AUG 2 4 2017 _____.



A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

order no. 17 322

1	BEFORE THE PUBLIC UTILITY COMMISSION	
2	OF OREGON	
3	NC 362	
4	PUBLIC UTILITY COMMISSION OF OREGON,	
5	Complainant,	STIPULATION FOR ENTRY OF ORDER
6	v.	
7	DAVISON CONSTRUCTION LLC,	
8	Defendant.	
9		
10	The Public Utility Commission of Oregon, appearing by and through Johanna M.	
11	Riemenschneider, Assistant Attorney General, and Davison Construction LLC, 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.	
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.	
23		
24		
25		
26	111	
Page 1 - STIPULATION FOR ENTRY OF ORDER (NC 362) JMR:pjr/8314306		

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order no. 17 322

1	4.	
2	The parties further agree that the Commission may enter an order assessing civil	
3	monetary penalties 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	0
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	od
11	following the date of the Commission's entry of an order.	
12	C. Defendant must contact the OUNC Speakers Bureau online at	
13	www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure	
14	that all of Defendant's employees that engage in excavation activity as part of their	
15	job duties, including but not limited to notifying the Oregon Utility Notification	
16	Center of proposed excavations, attend a training session on Oregon excavation laws	5
17	within 45 days following the entry of the Commission's order.	
18	D. Defendant must also contact Bill Walker at Cascade Natural Gas (CNG) by email	
19	William. Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensure	3
20	that all of Defendant's employees that engage in excavation activity as a part of their	r
21	job duties attend an operator safety presentation provided by CNG within 45 days	
22	following the entry of a final order.	
23	E. Defendant must take a blank copy of the Training Verification form attached to this	
24	Stipulation as Attachment I to all required trainings scheduled under paragraphs 4.0	· ·
25	and 4.D. above. Defendant must ensure that all of its employees attending a required	d
26	training sign a Training Verification form to verify attendance. A representative of	

Page 2 - STIPULATION FOR ENTRY OF ORDER (NC 362) JMR:pjr/83)4306

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

ORDER NO.

1	the organization providing the training (Instructor) must sign the Training
2	Verification form to verify each person listed on the form completed the training.
3	Defendant must return all completed Training Verification forms to Complainant at
4	the address on the Form within 10 days of the date of the last training session and in
5	no event later than 55 days following the date of the Commission's entry of an order
6	in this docket.
7	F. In the event that Complainant contends that Defendant has not complied with all of
- Ś	the terms of this Stipulation and all OUNC rules for that one-year period,
9	Complainant may reopen this proceeding and petition for imposition of all or a
10	portion of the suspended penalties. In such case, Defendant is entitled to a notice and
11	hearing on the basis upon which Complainant contends that compliance has not
12	occurred.
13	G. Complainant's failure to enforce any provision of this Stipulation, or decision to
14	waive any violation or nonperformance of this Stipulation in one instance, will not
15	constitute a waiver by the Complainant of that provision, any other provision, or any
16	other violation or nonperformance in another instance.
17	5.
18	This Stipulation is conditioned upon final approval of its terms by the Commission. If
19	the Stipulation is not accepted in its entirety, it is deemed withdrawn.
20	DATED this 27 day of July 2017.
21	DATED this <u>A / day of July 2017.</u>
22	1/2:-1
23	Johanna M. Riemenschneider, #990083
24	Senior Assistant Attorney General
25	Of Attorneys for the Public Utility Commission of Oregon
26	

STIPULATION FOR ENTRY OF ORDER (NC 362) JMR:pjr/8314306 Page 3 -

ORDER NO. 17 322

1	DATED this 3rd day of August 2017.
2	\mathcal{L}
3	Defendant / Representative (signature)
4	
5	(Print Name)
6	(Fint Name)
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Page 4 -	STIPULATION FOR ENTRY OF ORDER (NC 362) JMR:pjr/8314306 Denutment of business

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Oregon Public Utility Commission Commission Training Verification

	Docket NC 362
	on the day of the training name on the Training Verification form ng Verification form upon completion of training g Verification form to the address below (retain a copy
Instructor Print Name: Instructor Signature:	Date:
Name (Printed)	Name (Signed)

Mail Completed form to:

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