

1                                   **BEFORE THE PUBLIC UTILITY COMMISSION**  
2   **OF OREGON**

3   NC 346

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6                                   Complainant,

7                                   v.

8 ISLAND FENCE & WINDOW GUARD,  
9 INC. (An Oregon corporation),

10                                  Defendant.

STIPULATION FOR ENTRY  
OF FINAL ORDER

11                   The Public Utility Commission of Oregon, appearing by and through Johanna M.  
12 Riemenschneider, Assistant Attorney General, and Island Fence & Window Guard, Inc. the  
13 Defendant herein, hereby stipulate as follows:

14   1.

15                   A Complaint in this case is pending before the Commission charging the Defendant with  
16 one violation of law, OAR 952-001-0050.

17   2.

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

20   3.

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

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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:

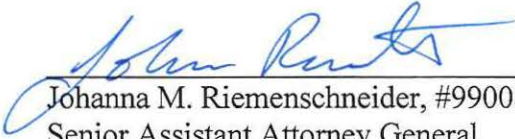
- 5 A. Defendant must sign and return this Stipulation within 20 days of the date it was  
6 served upon (mailed to) Defendant.
- 7 B. Payment of the penalties (\$1000) will be suspended and no further penalties will be  
8 imposed for the violation alleged in the Complaint unless Defendant fails to comply  
9 with all of the terms of this Stipulation and all of the rules adopted by the Oregon  
10 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 contact the OUNC Speakers Bureau online at  
13 [www.digsafelyoregon.com](http://www.digsafelyoregon.com) or by calling **(503) 232-1987** to arrange for and attend a  
14 training session on Oregon excavation laws within 45 days following the entry of the  
15 Commission's order.
- 16 D. In the event that Complainant contends that Defendant has not complied with all of  
17 the terms of this Stipulation and all OUNC rules for that one-year period,  
18 Complainant may reopen this proceeding and petition for imposition of all or a  
19 portion of the suspended penalties. In such case, Defendant is entitled to a hearing  
20 and to be notified of the basis upon which Complainant contends that compliance has  
21 not occurred.
- 22 E. Complainant's failure to enforce any provision of this Stipulation, or decision to  
23 waive any violation or nonperformance of this Stipulation in one instance, will not  
24 constitute a waiver by the Complainant of that provision, any other provision, or any  
25 other violation or nonperformance in another instance.

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

DATED this 16 day of March, 2016.

  
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Johanna M. Riemenschneider, #990083  
Senior Assistant Attorney General  
Of Attorneys for the Public Utility Commission  
of Oregon

DATED this 28 day of March, 2016.

  
\_\_\_\_\_  
Defendant / Representative (signature)  
  
\_\_\_\_\_  
(Print Name)