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2 The parties further agree that the Commission may enter an order assessing a civil  
3 monetary penalty 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. \$200 becomes due and payable on or before the 30<sup>th</sup> day following the Commission's  
8 entry of its order in this case.
- 9 C. Payment must be by money order made out to the Public Utility Commission of  
10 Oregon, and the memo line of the money order must state the "NC" docket number  
11 in the caption of this Stipulation.
- 12 D. Payment of the balance of the penalty (\$800) will be suspended and will be waived  
13 and no further penalties will be imposed for the violation alleged in the Complaint  
14 unless Defendant fails to comply with all of the terms of this stipulation and all of the  
15 rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552  
16 for a one-year period following the date of the Commission's entry of an order.
- 17  E. Defendant must contact the OUNC Speakers Bureau online at  
18 www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure  
19 that all of defendant's employees that engage in excavation activity as part of their  
20 job duties, including but not limited to notifying the Oregon Utility Notification  
21 Center of proposed excavations, attend a training session on Oregon excavation laws  
22 within 45 days following the entry of the Commission's order.
- 23  F. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email  
24 William.Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensure  
25 that all of defendant's employees that engage in excavation activity as a part of their  
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1 job duties attend an operator safety presentation provided by CNG within 45 days  
2 following the entry of a final order.

3 G. Defendant must take a blank copy of the Training Verification form attached to this  
4 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.E.  
5 and 4.F. above. Defendant must ensure that all of its employees attending a required  
6 training sign a Training Verification form to verify attendance. A representative of  
7 the organization providing the training (Instructor) must sign the Training  
8 Verification Form to verify that each person listed on the form completed the training.  
9 Defendant must return all completed training verification forms to Complainant at the  
10 address on the Form within 10 days of the date of the last training session and in no  
11 event later than 55 days following the date of the Commission's entry of an order in  
12 this docket.

13 H. In the event that Complainant contends that Defendant has not complied with all of  
14 the terms of this Stipulation and all OUNC rules for that one-year period,  
15 Complainant may reopen this proceeding and petition for imposition of all or a  
16 portion of the suspended penalties. In such case, Defendant is entitled to a hearing  
17 and to be notified of the basis upon which Complainant contends that compliance has  
18 not occurred.

19 I. Complainant's failure to enforce any provision of this stipulation, or decision to  
20 waive any violation or nonperformance of this stipulation in one instance, will not  
21 constitute a waiver by the Complainant of that provision, any other provision, or any  
22 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 5<sup>th</sup> day of August 2016.

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

DATED this 20 day of August 2016.

  
Defendant / Representative (signature)

DWAYNE KLEN  
(Print Name)