

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

3 NC 383

4 PUBLIC UTILITY COMMISSION OF  
OREGON,

5 Complainant,

6 v.

7 PORTLAND GENERAL ELECTRIC  
8 COMPANY,

9 Defendant.

STIPULATION FOR ENTRY OF FINAL  
ORDER

10 The Public Utility Commission of Oregon, appearing by and through Johanna M.  
11 Riemenschneider, Assistant Attorney General, and Portland General Electric Company, the  
12 Defendant herein, hereby stipulate as follows:

13 1.

14 A Complaint in this case is pending before the Commission charging the Defendant with  
15 a violation of OAR 952-001-0070(1), and proposing a civil penalty of \$5,000 for the current  
16 violation and a \$1,000 civil penalty per Order No. 17-383.

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 pending violation was committed as alleged in the  
22 Complaint and is willing for the Commission to enter an order finding that the violation was  
23 committed as 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 \$6,000 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. The \$1,000 civil penalty becomes due and payable from Order No. 17-383 (Docket  
8 NC 370) on or before the 30<sup>th</sup> day following the Commission's entry of its order in  
9 this docket.
- 10 C. Payment must be by **money order** made out to the **Public Utility Commission of**  
11 **Oregon**, and the memo line of the money order must state the "NC" docket number  
12 for this docket in the caption of this Stipulation.
- 13 D. Payment of the remaining civil penalties (\$5,000) is suspended and will be waived  
14 and no further penalties will be imposed for the violation alleged in the Complaint  
15 unless Defendant fails to comply with all of the terms of this Stipulation and all of the  
16 rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552  
17 for a one-year period following the date of the Commission's entry of an order.
- 18 E. On or before the 60<sup>th</sup> day following the Commission's entry of its order in this docket,  
19 Defendant must provide a current plan or procedure (policy) that identifies the  
20 company's workflow for marking underground facilities, investigating and  
21 troubleshooting damages to underground facilities. The policy must include but is  
22 not limited to the following:
- 23 (1) Description of the purpose of the policy and commitment thereof by leadership,  
24 management, and employees;
- 25 (2) Identification of notifications and types of responses for marking underground  
26 facilities;

- 1 (3) Identification of tasks assigned to participants by title or position and their roles  
2 and responsibilities in the workflow process;  
3 (4) Identification of the technology or systems and methods used throughout the  
4 policy that enables the completion of identified tasks; and  
5 (5) Criteria for periodic review of effectiveness and identification of best practices.


6 F. In the event that Complainant contends that Defendant has not complied with all of  
7 the terms of this Stipulation and all OUNC rules for that one-year period,  
8 Complainant may reopen this proceeding and petition for imposition of all or a  
9 portion of the suspended penalties. In such case, Defendant is entitled to a hearing  
10 and to be notified of the basis upon which Complainant contends that compliance has  
11 not occurred.

12 G. Complainant's failure to enforce any provision of this Stipulation, or decision to  
13 waive any violation or nonperformance of this Stipulation in one instance, will not  
14 constitute a waiver by the Complainant of that provision, any other provision, or any  
15 other violation or nonperformance in another instance.

16 5.

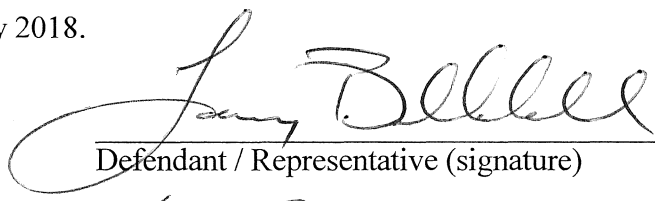
17 This Stipulation is conditioned upon final approval of its terms by the Commission. If  
18 the Stipulation is not accepted in its entirety, it is deemed withdrawn.

19  
20 DATED this 3<sup>rd</sup> day of May 2018.

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

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DATED this 20 day of May 2018.

  
Defendant / Representative (signature)

Larry BEKKEDAH  
(Print Name)