

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

3 NC 385

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 PORTLAND GENERAL ELECTRIC  
9 COMPANY,

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 Portland General Electric Company, 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 952-001-0080.

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.

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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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The parties further agree that the Commission may enter an order assessing civil monetary penalties against the Defendant in the amount of \$1,000 under the following terms and conditions:

- A. Defendant shall sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. Payment of the penalty (\$1,000) is suspended and the penalty shall be waived with no further penalties imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period following the date of the Commission's entry of an order. The Commission also imposed but suspended a \$5,000 civil penalty under Order No. 18-222, and the terms of that Order are incorporated by reference in this Stipulation. Accordingly, the parties have agreed to the suspension and possible waiver of total penalties of \$6,000.
- C. On or before the 60<sup>th</sup> day following the Commission's entry of its Order in this docket, Defendant must provide a current plan or procedure (policy) that identifies the company's workflow for marking underground facilities, investigating and troubleshooting damages to underground facilities. The policy may be consistent with the policy provided under Commission Order No. 18-222, but must include, though it is not limited to the following:
  - (1) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;
  - (2) Identification of notifications and types of responses for marking underground facilities;
  - (3) Identification of tasks assigned to participants by title or position and their roles and responsibilities in the workflow process;

1 (4) Identification of the technology or systems and methods used throughout the  
2 policy that enables the completion of identified tasks; and

3 (5) Criteria for periodic review of effectiveness and identification of best practices.

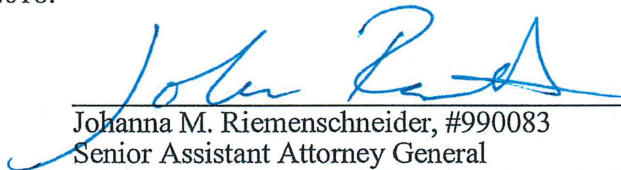
4 D. In the event that complainant contends that the Defendant has not complied with all of  
5 the terms of this Stipulation and all OUNC rules for that one year period, complainant  
6 may reopen this proceeding and petition for imposition of all or a portion of the  
7 suspended penalties. In such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

9 E. Complainant's failure to enforce any provision of this Stipulation, or decision to waive  
10 any violation or nonperformance of this Stipulation in one instance, will not constitute a  
11 waiver by the Complainant of this provision, any other provision, or any other violation  
12 or nonperformance in another instance.

13 5.

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

16 DATED this 29 day of August 2018.

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

21 DATED this 5 day of SEPTEMBER 2018.

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23   
24 Representative for Defendant (signature)

25 LARRY BEKKEDAH  
26 (Print name)