

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 405

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

vs.

CITY OF PORTLAND ACTING  
THROUGH BUREAU OF  
ENVIRONMENTAL SERVICES,

Defendant.

BENCH REQUESTS

The following questions are directed to the City of Portland and the Staff of the Public Utility Commission. Staff and the City of Portland are directed to file responses to their respective questions by 3:00 p.m., on November 3, 2023. Any party may file a reply to a response by 3:00 p.m., on December 4, 2023.

City of Portland

- 1-1. Refer to City of Portland/100, Gualotunia/1-2. Please clarify when the City of Portland notified Mr. Donnell of the nonconforming sewer and asked him to obtain an encroachment permit.
- 1-2. Refer to City of Portland/100, Gualotunia/2, City of Portland/200, Suto/3, and City of Portland/300, Hofmann/2. Explain whether the City of Portland was aware that there was a nonconforming sewer in the Ainsworth right of way (ROW) or otherwise serving the location at issue at the time it responded to the One Call notice. If the city was not aware at the time it responded to the notice, please also explain when the city became aware that there was a nonconforming sewer in the Ainsworth ROW.
- 1-3. Refer to City of Portland/300, Hofmann/1-2. Provide a detailed description of the actions taken by the City of Portland in response to the One Call notice. As part of the response, confirm whether the city marked underground facilities on 28th Avenue or any other portion of the project area included in the notice.

- 1-4. Refer to City of Portland/100, Gualotunia/2-5 and City of Portland/200, Suto/1-2. Explain whether the city would require the owner of a private nonconforming sewer in a public ROW to obtain a permit or other city permission to perform repairs or other work in the ROW. Additionally, explain whether the city would require any permit or other city permission for a property owner to locate facilities in a ROW.
- 1-5. Refer to City of Portland/100, Gualotunia/1-2, 4. Explain the encroachment permit process and how the city typically determines whether a location requires an encroachment permit.

Staff

- 1-1. Refer to Staff/200, Hennessy/4. Please explain the actions an operator is expected to take in response to a One Call System notice for a situation in which the municipality is the operator but does not have knowledge of any facilities nor the ability to locate any underground facilities in question.
- 1-2. Refer to Staff/200, Hennessy/3-4. Explain what actions the Oregon Utility Notification Center (OUNC) expects an operator to take to locate underground facilities in response to an OUNC One Call System notice. As part of this response, describe what actions the OUNC expects an operator to take before stating there are unlocatable facilities.

Dated this 4th day of October, 2023, at Salem, Oregon.



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Sarah Spruce  
Administrative Law Judge