



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

December 31, 2015

Schuyler VanWart-Registered Agent
Central Pipeline, Inc.
2373 Brownsboro Hwy.
Eagle Point, OR 97524

Central Pipeline, Inc.
PO Box 2430
White City, OR 97503

Re: Violation of Oregon Utility Notification Center Rules
DOJ File No.: 860501-GB0668-15 / Docket No.: NC 343

**PLEASE READ ALL DOCUMENTS CAREFULLY –
DIRECT ALL CORRESPONDENCE TO THE PUBLIC UTILITY COMMISSION OF OREGON**

On October 16, 2015, a representative from your company met with the Oregon Utility Notification Center (OUNC) Enforcement Committee to discuss an alleged rule violation. At that meeting, an agreement was reached regarding penalties for the violation.

Enclosed are two sets of documents that contain a Complaint and a Stipulation. The Complaint serves as a formal notice to you of the violation you were charged with and requires that you Answer the allegation. Because you already reached an agreement with the OUNC Committee, you do not need to submit an Answer. Instead, you need only sign and return the enclosed Stipulation in order to answer the Complaint. If you had not reached an agreement with the OUNC Committee, filing an Answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing.

The Stipulation sets forth the terms and conditions of the agreement you reached with the OUNC Committee. To finalize the settlement, **you must sign the original Stipulation and mail it within 20 days of the date of this letter to:**

**Public Utility Commission of Oregon
Administrative Hearings Division
201 High St. SE, Ste. 100
PO Box 1088
Salem OR 97308-1088**

Central Pipeline, Inc.

December 31, 2015

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You do not need to make payment until the Commission has approved the Stipulation. The Commission should issue an order adopting the Stipulation within 30 days of its receipt. Please retain the extra copy of the Stipulation for your files.

If for some reason you no longer agree to the terms of the Stipulation, you **MUST FILE AN ANSWER TO THE COMPLAINT**, admitting or denying the allegation.

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Kevin Hennessy at (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider
Senior Assistant Attorney General
Business Activities Section

JMR:mme/#6953795

Enclosures

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

3 NC 343

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 CENTRAL PIPELINE, INC., (an Oregon
corporation),

9 Defendant.

COMPLAINT

10 1.

11 This proceeding is initiated by the Public Utility Commission of Oregon (hereinafter
12 "Commission") to determine whether civil monetary penalties should be assessed as provided in
13 ORS 757.993. The Commission maintains its offices at:

14 201 High Street SE, P.O. Box 1088, Salem, Oregon, 97308-1088.

15 2.

16 At all times herein relevant, Defendant was doing business in this state.

17 3.

18 Under ORS 757.993, the Commission has discretion to seek penalties for violations of
19 rules adopted by the Oregon Utility Notification Center (OUNC).

20 4.

21 Under ORS 757.552, OUNC has adopted rules that prescribe requirements for
22 notification to OUNC of excavation activity and marking of underground facilities for the
23 purpose of preventing damage to such facilities. "Excavation" and other relevant definitions are
24 contained in OAR 952-001-0010.

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5.

OUNC adopted OAR 952-001-0090 which was in effect at all times herein relevant. The rule provides in relevant part:

(4) If the excavator causes or observes damage to underground facilities, the excavator must notify the operator of the underground facilities immediately. If the damage causes an emergency, the excavator must also notify all appropriate local public safety agencies immediately by calling 911 and must take reasonable steps to insure the public safety. The excavator must not bury damaged underground facilities without the consent of the operator of the damaged underground facilities.

6.

On or about May 6, 2015, Defendant violated OAR 952-001-0090(4), in that Defendant failed to notify the operator of underground facilities of damage to the facilities and buried the damaged facilities without the consent of the operator at an excavation near Freeman Road in Central Point, Oregon.

7.

ORS 757.993 provides, in relevant part, that:

“* * * every person who violates or who procures, aids or abets in the violation of any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.”

8.

Defendant has not violated OUNC rules in the past.

9.

WHEREFORE, the Commission directs Defendant to file a verified answer to this Complaint within twenty (20) days from the date this Complaint is mailed to Defendant.

If no verified answer or other written appearance raising a question of fact or law is filed

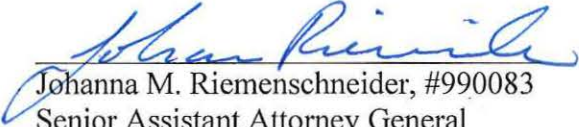
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1 with the Commission at its office in Salem, Oregon, within the 20-day period, the
2 allegations of the Complaint are deemed admitted, and a penalty will be imposed in the
3 amount of \$1,000 for each violation alleged, for a total of \$1,000.

4
5 DATED this 31 day of December 2015.

6 Respectfully submitted,

7 ELLEN F. ROSENBLUM
8 Attorney General

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10 
11 Johanna M. Riemenschneider, #990083
12 Senior Assistant Attorney General
13 Of Attorneys for the Public Utility Commission
14 of Oregon
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1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 NC 343

4 PUBLIC UTILITY COMMISSION OF
OREGON,

5 Complainant,

6 v.

7 CENTRAL PIPELINE, INC., (an Oregon
8 corporation),

9 Defendant.

STIPULATION FOR ENTRY OF ORDER

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

13 1.

14 A Complaint in this case is pending before the Commission charging the Defendant with
15 one violation of law, OAR 952-001-0090(4).

16 2.

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

19 3.

20 The Defendant admits that the violation was committed as alleged in the Complaint and
21 is willing for the Commission to enter an order finding that the violation was committed as
22 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 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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5.

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 31 day of December 2015.


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

DATED this _____ day of _____ 2015.

Defendant / Representative (signature)

(Print Name)