

DEPARTMENT OF JUSTICE GENERAL COUNSEL DIVISION

December 8, 2017

David L. Fine, Registered Agent Fine Signs LLC 510 NE Quimby Avenue #2 Bend, OR 97701

David L. Fine, Member, Fine Signs LLC P.O. Box 5451 Bend, OR 97708

Re: Violation of Oregon Utility Notification Center Rules DOJ File No. 860140-GB0655-17/ Docket No. NC 379

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

On November 29, 2017, a representative from your company participated in a telephone conference with the Enforcement Committee to discuss an alleged rule violation. At that conference, 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 Enforcement 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 Enforcement 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 Enforcement 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 P.O. Box 1088 Salem OR 97308-1088 Fine Signs LLC December 8, 2017 Page 2

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 within 20 days, or a default order may be issued.

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

Sincerely,

Rimide Mane,

Johanna M. Riemenschneider Senior Assistant Attorney General Business Activities Section

JMR:pjr/#8640123 Enclosures

1	BEFORE THE PUBLIC UTILITY COMMISSION		
2	OF OREGON		
3	NC 379		
4	PUBLIC UTILITY COMMISSION OF		
5	OREGON,		
6	Complainant, COMPLAINT		
7	V.		
8	FINE SIGNS LLC,		
9	Defendant.		
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, Suite 100, Salem, Oregon 97301.		
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.		
25	///		
26	///		
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1	5.				
2	OUNC adopted OAR 952-001-0050, which was in effect at all times herein relevant. The				
3	rule provides in relevant part:				
4 5	(1) * * * [A]t least 2 business days, but not more than 10 business days before beginning an excavation, the excavator must notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the				
6	type of work to be performed.				
7	6.				
8	On or about November 1, 2017, Defendant violated OAR 952-001-0050(1), in that				
9	Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation				
10	before commencing at least one excavation in the Bend Metro area, Oregon.				
11	7.				
12	ORS 757.993 provides, in relevant part, that:				
13	"* * * 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."				
14					
15					
16	8.				
17	Defendant has not violated OUNC rules in the past.				
18	9.				
19	WHEREFORE, the Commission directs Defendant to file a verified answer to this				
20	Complaint within twenty (20) days from the date this Complaint is mailed to Defendant. If no				
21	verified answer or other written appearance raising a question of fact or law is filed with the				
22	Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the				
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24	///				
25	///				
26	///				
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1	Complaint is deemed admitted, and a penalty will be imposed by default order in the amount of		
2	\$1,000 for each violation alleged, for a total of \$	\$1,000.	
3			
4	DATED this 8th day of December 2017.		
5		Respectfully submitted,	
6		ELLEN F. ROSENBLUM	
7		Attorney General	
8		John Kieming	
9		Johanna M. Riemenschneider, #990083 Senior Assistant Attorney General	
10		Of Attorneys for the Public Utility Commission	
11		of Oregon	
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1	BEFORE THE PUBLIC UTILITY COMMISSION		
2	OF OREGON		
3	NC 379		
4	PUBLIC UTILITY COMMISSION OF OREGON,		
5	Complainant, STIPULATION FOR ENTRY OF ORDER		
6	V.		
7	FINE SIGNS LLC,		
8 9	Defendant.		
10	The Public Utility Commission of Oregon, appearing by and through Johanna M.		
11	Riemenschneider, Senior Assistant Attorney General, and Fine Signs LLC, 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 952-001-0050(1).		
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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24	///		
25	111		
26	111		
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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 Stip	oulation within 20 days of the date it was	
6	served upon (mailed to) Defendant.		
7	B. Payment of the penalty (\$1,000) is susp	ended and will be waived with no further	
8	penalties imposed for the violation alleged in the Complaint unless Defendant fails to		
9	comply with all of the terms of this Stip	ulation and all of the rules adopted by the	
10	Oregon Utility Notification Center (OU	NC) 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 Spe	akers Bureau online at	
13	www.digsafelyoregon.com or by calling	g (503) 232-1987 to arrange for and ensure	
14	that all of Defendant's employees that e	ngage in excavation activity as part of their	
15	job duties, including but not limited to r	notifying the Oregon Utility Notification	
16	Center of proposed excavations, attend	a training session on Oregon excavation laws	
17	within 45 days following the entry of the Commission's order.		
18	D. Unless Defendant has already done so,	Defendant must also contact Bill Walker at	
19	Cascade Natural Gas (CNG) by email Y	Villiam.Walker@cngc.com or by calling (541)	
20	706-6290 and arrange for and ensure th	at all of Defendant's employees that engage in	
21	excavation activity as a part of their job	duties attend an operator safety presentation	
22	provided by CNG within 45 days follow	ving the entry of a final order.	
23	E. Defendant must take a blank copy of th	e Training Verification form attached to this	
24	Stipulation as Attachment 1 to document	nt all required trainings scheduled under	
25	paragraphs 4.C. and 4.D. above. Defen	dant must ensure that all of its employees	
26	attending a required training sign a Trai	ning Verification form to verify attendance.	

Page 2 - STIPULATION FOR ENTRY OF ORDER (NC 379) JMR:pjr/8640123 A representative of the organization providing the training (Instructor) must sign the Training Verification form to verify each person listed on the form completed the training. Defendant must return all completed Training Verification forms to Complainant at the address on the Form within 10 days of the date of the last training session and in no event later than 55 days following the date of the Commission's entry of an order in this docket.

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

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

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

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DATED this 8th day of December 2017.

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

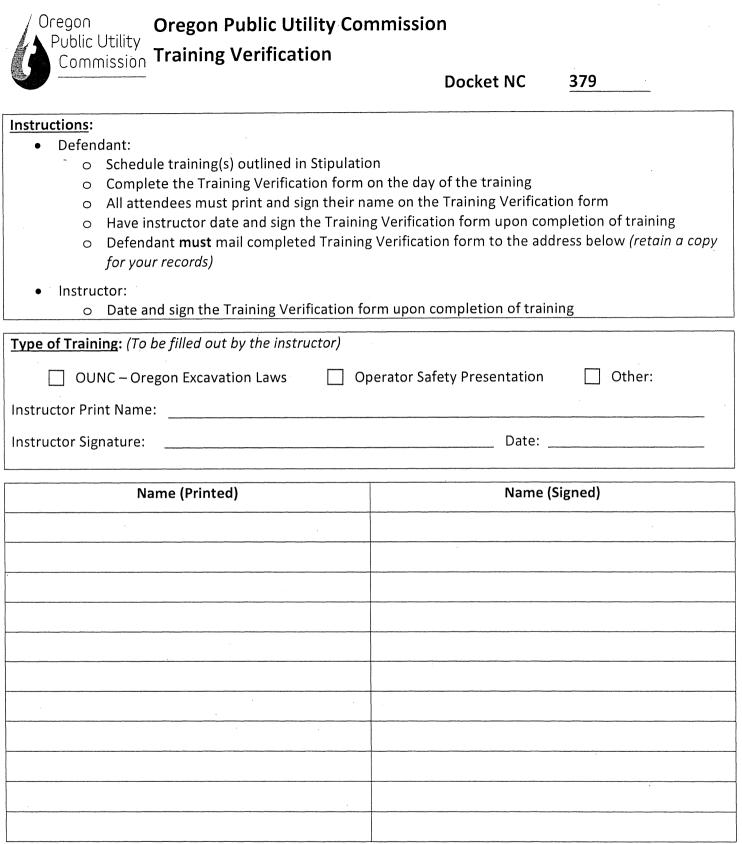
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1	DATED this	day of	20
2			
3			Defendant / Representative (signature)
4			Defendant / Representative (signature)
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6			(Print Name)
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Mail Completed form to:

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