

January 9, 2018

ATTN: Fred Macy Loy Clark Pipeline Co. 19020A SW Cipole Road, Suite 12 Tualatin, OR 97062

CT Corporation, Registered Agent Loy Clark Pipeline Co. 780 Commercial Street SE, Suite 100 Salem, OR 97301

Michael A. Bass, President Loy Clark Pipeline Co. 19020A SW Cipole Road Tualatin, OR 97062

Re:

Violation of Oregon Utility Notification Center Rules DOJ File No. 860140-GB0665-17/ Docket No. NC 380

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

On November 29, 2017, a representative from your company met 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:

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Public Utility Commission of Oregon Administrative Hearings Division P.O. Box 1088 Salem OR 97308-1088

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,

Johanna M. Riemenschneider Senior Assistant Attorney General

Business Activities Section

JMR:pjr/#8653244 Enclosures

1,	BEFORE THE PUBLIC	CUTILITY COMMISSION	
2	OF OREGON		
3	NC 380		
4 5	PUBLIC UTILITY COMMISSION OF OREGON,		
6	Complainant,	COMPLAINT	
7	v.		
8	LOY CLARK PIPELINE CO.,		
9	Defendant.		
10		1.	
11	This proceeding is initiated by the Publ	ic 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	on Center (OUNC).	
20		4.	
21	Under ORS 757.552, OUNC has adopt	ed rules that prescribe requirements for	
22	notification to OUNC of excavation activity ar	nd marking of underground facilities for the	
23	purpose of preventing damage to such facilitie	s. "Excavation" and other relevant definitions are	
24	contained in OAR 952-001-0010.		
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26			
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Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

1	Complaint are deemed admitted, and a penalty will be imposed by default order in the amount o		
2	\$1,000 for each violation alleged, for a total of \$1,000.		
3			
4	DATED this 9th day of January 2018.		
5		Respectfully submitted,	
6		ELLEN F. ROSENBLUM	
7		Attorney General	
8		John Rink	
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 380			
4	PUBLIC UTILITY COMMISSION OF OREGON,			
5	Complainant,	STIPULATION FOR ENTRY OF ORDER		
6	v.			
7	LOY CLARK PIPELINE CO.,			
8	Defendant.			
0	The Public Utility Commission of Orego	on, appearing by and through Johanna M.		
1	Riemenschneider, Senior Assistant Attorney Ge	eneral, and Loy Clark Pipeline Co., the Defendant		
12	herein, 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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Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784 1 4.

2	The parties further agree that the Commission may enter an order assessing a civil	
3	monetary po	enalty against Defendant in the amount of \$1,000 under the following terms and
4	conditions:	
5	A. 3	Defendant must sign and return this Stipulation within 20 days of the date it was
6	:	served upon (mailed to) Defendant.
7	B. 1	Payment of the penalty (\$1,000) is suspended and will be waived with no further
8	. 1	penalties imposed for the violation alleged in the Complaint unless Defendant fails to
9		comply with all of the terms of this Stipulation and all of the rules adopted by the
10		Oregon 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. 1	Defendant must provide the Commission with a plan or procedure (policy) that
13		identifies the company's workflow process for giving notice of proposed excavations
14		to the Oregon Utility Notification Center (OUNC) within 60 days following the
15		Order. The policy must include but is not limited to the following:
16		1) Describe the purpose of the policy and commitment thereof by leadership,
17		management, and employees;
18		2) Identify conditions and types of work that require a 48 hour notice, design notice
19		and emergency notification to the OUNC;
20		3) Identify tasks assigned to participants by title or position and their roles and
21		responsibilities in the workflow process;
22		4) Identify technology or systems used throughout the policy that enables the
23		completion of tasks; and
24		5) Establish criteria for periodic review of the effectiveness of this policy and
25		identify best practices for its implementation.
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1	D. In the event that Complainant contends that Defendant has not complied with all of	
2	the terms of this Stipulation and all OUNC rules for that one-year period,	
3	Complainant may reopen this proceeding and petition for imposition of all or a	
4	portion of the suspended penalty. In such case, Defendant is entitled to a notice and	
5	hearing on the basis upon which Complainant contends that compliance has not	
6	occurred.	
7	E. Complainant's failure to enforce any provision of this Stipulation, or decision to	
8	waive any violation or nonperformance of this Stipulation in one instance, will not	
9	constitute a waiver by the Complainant of that provision, any other provision, or any	
10	other violation or nonperformance in another instance.	
11	5.	
12	This Stipulation is conditioned upon final approval of its terms by the Commission. If	
13	the Stipulation is not accepted in its entirety, it is deemed withdrawn.	
14	DATED this 9th day of January 2018.	
15	DATED this 7th day of January 2016.	
16 17	I du Ring	
18	Johanna M. Riemenschneider, #990083	
19	Senior Assistant Attorney General Of Attorneys for the Public Utility Commission	
20	of Oregon	
21		
22	DATED this day of January 2018.	
23		
24	Defendant / Representative (signature)	
25		
26	(Print Name)	

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