



**DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION**

May 3, 2018

Christopher Corbett Fuhrer, dba  
Eagle Eye Concrete  
1809 SW 5<sup>th</sup> Street  
Gresham, OR 97080

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860140-GB0285-18/ Docket No. NC 382

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

On March 23, 2018, a representative from your company participated in a telephone conference with the Public Utility Commission of Oregon's 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**

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.

Christopher Corbett Fuhrer

May 3, 2018

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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/#8851203  
Enclosures

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

3 NC 382

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 CHRISTOPHER CORBETT FUHRER, doing  
9 business as EAGLE EYE CONCRETE,

10 Defendant.

COMPLAINT

11 1.

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

15 201 High Street SE, Suite 100, Salem, Oregon 97301.

16 2.

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

18 3.

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

21 4.

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

26 ///

///

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 (1) \* \* \* [A]t least 2 business days, but not more than 10 business days  
5 before beginning an excavation, the excavator must notify the Oregon Utility  
6 Notification Center of the date and location of the proposed excavation, and the  
7 type of work to be performed.

8 6.  
9 On or about August 3, 2017, Defendant violated OAR 952-001-0050(1), in that  
10 Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation  
11 before commencing an excavation at or near 1720 SW Willow Parkway in Gresham, Oregon.

12 7.  
13 ORS 757.993 provides, in relevant part, that:  
14 “\* \* \* every person who violates or who procures, aids or abets in the violation of  
15 any rule of the Oregon Utility Notification Center shall incur a penalty of not  
16 more than \$1,000 for the first violation and not more than \$5,000 for each  
17 subsequent violation.”

18 8.  
19 Defendant has not violated OUNC rules in the past.

20 9.  
21 WHEREFORE, the Commission directs Defendant to file a verified answer to this  
22 Complaint within twenty (20) days from the date this Complaint is mailed to Defendant. If no  
23 verified answer or other written appearance raising a question of fact or law is filed with the  
24 Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the

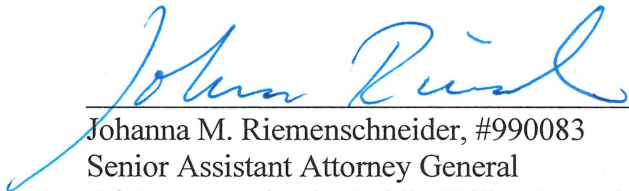
25 ///  
26 ///

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 3<sup>rd</sup> day of May 2018.

5 Respectfully submitted,

6 ELLEN F. ROSENBLUM  
7 Attorney General

8   
9 Johanna M. Riemenschneider, #990083  
10 Senior Assistant Attorney General  
11 Of Attorneys for the Public Utility Commission  
12 of Oregon

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

3 NC 382

4 PUBLIC UTILITY COMMISSION OF  
OREGON,

5 Complainant,

6 v.

7 CHRISTOPHER CORBETT FUHRER, doing  
8 business as EAGLE EYE CONCRETE,

9 Defendant.

STIPULATION FOR ENTRY OF ORDER

10 The Public Utility Commission of Oregon, appearing by and through Johanna M.  
11 Riemenschneider, Senior Assistant Attorney General, and Eagle Eye Concrete, 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.

23 ///

24 ///

25 ///

26 ///

1 4.

2 The parties further agree that the Commission may enter an order assessing a civil  
3 monetary penalty 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 penalty (\$1,000) is suspended 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 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. Defendant must contact the OUNC Training Bureau online at  
13 [www.digsafelyoregon.com/resources/speakers-training/](http://www.digsafelyoregon.com/resources/speakers-training/) or by calling **(503) 232-1987**  
14 to arrange for and ensure that Defendant and all of Defendant's employees that  
15 engage in excavation activity as part of their job duties, including but not limited to  
16 notifying the Oregon Utility Notification Center of proposed excavations, attend a  
17 training session on Oregon excavation laws within 45 days following the entry of the  
18 Commission's order.

19 D. Defendant must take a blank copy of the Training Verification form attached to this  
20 Stipulation as Attachment 1 to document all required trainings scheduled under  
21 paragraph 4.C. above. Defendant must ensure that Defendant and all of its employees  
22 attending a required training sign a Training Verification form to verify attendance.  
23 A representative of the organization providing the training (Instructor) must sign the  
24 Training Verification form to verify each person listed on the form completed the  
25 training. Defendant must return all completed Training Verification forms to  
26 Complainant at the address on the Form within 10 days of the date of the last training

1 session and in no event later than 55 days following the date of the Commission's  
2 entry of an order in this docket.

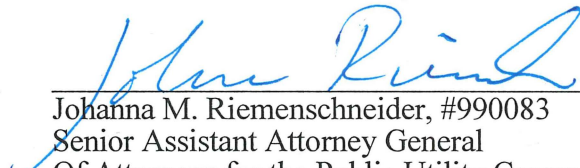
3 F. In the event that Complainant contends that Defendant has not complied with all of  
4 the terms of this Stipulation and all OUNC rules for that one-year period,  
5 Complainant may reopen this proceeding and petition for imposition of all or a  
6 portion of the suspended penalties. In such case,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

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

16 DATED this 3<sup>rd</sup> day of May 2018.

17  
18   
19 Johanna M. Riemenschneider, #990083  
20 Senior Assistant Attorney General  
Of Attorneys for the Public Utility Commission  
of Oregon

21 DATED this \_\_\_\_\_ day of May 2018.

22  
23 \_\_\_\_\_  
Defendant / Representative (signature)

24 \_\_\_\_\_  
25 (Print Name)  
26





**Oregon Public Utility Commission  
Training Verification**

**Docket NC**

**382**

**Instructions:**

- Defendant:
  - Schedule training(s) outlined in Stipulation
  - Complete the Training Verification form on the day of the training
  - All attendees must print and sign their name on the Training Verification form
  - Have instructor date and sign the Training Verification form upon completion of training
  - Defendant **must** mail completed Training Verification form to the address below *(retain a copy for your records)*
- Instructor:
  - Date and sign the Training Verification form upon completion of training

**Type of Training:** *(To be filled out by the instructor)*

OUNC – Oregon Excavation Laws       Operator Safety Presentation       Other:

Instructor Print Name: \_\_\_\_\_

Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Printed)	Name (Signed)

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**