

ELLEN F. ROSENBLUM  
Attorney General



FREDERICK M. BOSS  
Deputy Attorney General

**DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION**

September 6, 2018

CT Corporation System, Registered Agent  
Comcast Cable Communications Mgmt. LLC  
780 Commercial Street SE, Suite 100  
Salem, OR 97301

Sanford Inouye  
9605 SW Nimbus Avenue  
Beaverton, OR 97008

Comcast Cable Communications, LLC  
1701 John F Kennedy Blvd.  
Philadelphia, PA 19103

Kevin Blevins  
11308 SW 68th Parkway  
Tigard, OR 97223

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860140-GB0426-18 / Docket No. NC 387

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

On May 9, 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. Based on that meeting and subsequent correspondence, I have prepared the enclosed documents to resolve this matter.

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. The Stipulation requires you to pay \$7,000 of civil penalties to resolve this matter without further proceedings. If you agree to the terms of the Stipulation, 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 do not agree to these terms, 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 supported by 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  
PO Box 1088  
Salem OR 97308-1088**

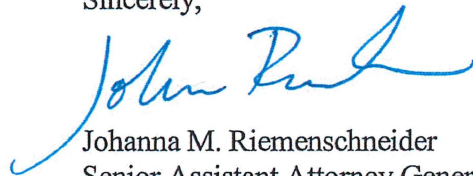
Comcast Cable Communications Management, LLC  
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The Commission should issue an order adopting the Stipulation within 30 days of its receipt.  
Please retain the extra copy of the Stipulation for your files.

If, for some reason, you do not agree to the terms of the Stipulation, you MUST FILE AN ANSWER TO THE COMPLAINT, admitting or denying the allegation, or a default order may be issued.

If you have questions regarding this matter, please contact Kevin Hennessy at (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider  
Senior Assistant Attorney General  
Business Activities Section

Enclosures  
JMR:pjr/#9056700

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

3   NC 387

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6                       Complainant,

7                       v.

8 COMCAST CABLE COMMUNICATIONS  
9 MANAGEMENT, LLC,

10                      Defendant.

COMPLAINT

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 Ste. 100, 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”, “operator” and other relevant  
24 definitions are contained in ORS 757.542 and OAR 952-001-0010.

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5.

OUNC adopted OAR 952-001-0070(1), which was in effect at all times herein relevant.

The rule provides in relevant part:

(1) Except as provided in section (3) of this rule, within 2 business days (48 hours) after the excavator notifies the Oregon Utility Notification Center of a proposed excavation, the operator or its designated agent must:

(a) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;

(b) Provide marks to the excavator of the unlocatable underground facilities in the area of proposed excavation, using the best information available including as-constructed drawings or other facility records that are maintained by the facility operator; or

(c) Notify the excavator that the operator does not have any underground facilities in the area of the proposed excavation. Acceptable notifications must include locate request call back information and if done with AVR (Automated Voice Response) must have a repeat option and a call back number to hear the information again.

6.

On or about May 9, 2018, Defendant violated OAR 952-001-0070(1) in that Defendant failed to mark with reasonable accuracy all of its locatable underground facilities or provide marks of its unlocatable underground facilities or notify excavator that none exist, in the area of a proposed excavation at or near 3858 SW 50<sup>th</sup> Avenue near SW Windsor Court in Portland, Oregon.

7.

ORS 757.993 provides that:

(1) Except as provided in subsection (2) of this section and in addition to all other penalties provided by law, 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.

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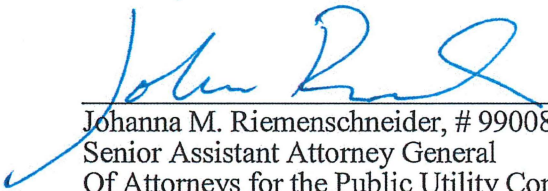
On November 17, 2017, in Docket NC 374, the Commission issued Order No. 17-460, assessing civil penalties of \$2,000 against Defendant. Payment of the civil penalties was suspended, provided Defendant complied with the stipulation and did not violate any rule adopted by the Oregon Utility Notification Center under ORS 757.552 for a period of one year following the date of the Commission's final order in these proceedings. In the event of a violation, Complainant may seek to impose all or a portion of the suspended penalties. Complainant seeks to impose the suspended penalties.

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 with the Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the Complaint are deemed admitted, and civil penalties will be imposed in the amount of \$7,000.

DATED this 6<sup>th</sup> day of September 2018.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

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

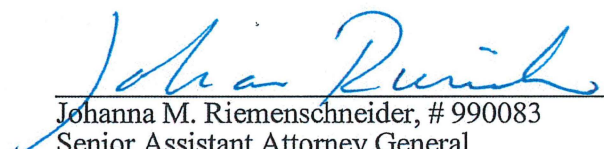


- 1 A. Defendant must sign and return this Stipulation within 20 days of the date it was  
2 served upon (mailed to) Defendant.
- 3 B. Payment of a civil penalty (\$2,000) is now due and payable from a previous Order  
4 No. 17-460, along with payment of the civil penalty for the current violation (\$5,000)  
5 on or before the 30<sup>th</sup> day following the Commission's entry of its order in this case.
- 6 C. Payment must be by money order made out to the Public Utility Commission of  
7 Oregon, and the memo line of the money order must state the "NC" docket number  
8 in the caption of this Stipulation.
- 9 D. 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  
17 DATED this 6<sup>th</sup> day of September 2018.

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

24 DATED this \_\_\_\_\_ day of September 2018.

25 \_\_\_\_\_  
26 Defendant / Representative (signature)

\_\_\_\_\_  
(Print Name)