

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

3 NC 355

4 PUBLIC UTILITY COMMISSION OF
OREGON,

5 Complainant,

6 v.

7 PRAIRIE ELECTRIC, INC.,
8 (A Washington Corporation)

9 Defendant.

STIPULATION FOR ENTRY
OF FINAL ORDER

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

14 1.

15 A Complaint in this case is pending before the Commission charging the Defendant with
16 one violation of law, OAR 952-001-0090(2).

17 2.

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

20 3.

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

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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. \$200 becomes due and payable on or before the 30th day following the Commission's
8 entry of its order in this case.

9 C. Payment must be by **cashier's check** or **money order** made out to the **Public Utility**
10 **Commission of Oregon**, and the **memo line of the money order must state the "NC**
11 **355" docket number** in the caption of this Stipulation.

12 D. Payment of the balance of the penalty (\$800) will be suspended and it will be waived
13 with no further penalties will be imposed for the violation alleged in the Complaint
14 unless Defendant fails to comply with all of the terms of this Stipulation and all of the
15 rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552
16 for a one-year period following the date of the Commission's entry of an order.

17 E. Defendant must contact the OUNC Speakers Bureau online at
18 www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure
19 that all of defendant's employees that engage in excavation activity as a part of their
20 job duties, including but not limited to notifying the Oregon Utility Notification
21 Center of proposed excavations, attend a training session on Oregon excavation laws
22 within 45 days following the entry of the Commission's order.

23 F. Defendant must contact Scott Gallegos at NW Natural (NWN) by email at
24 smg@nwnatural.com or by calling (503) 226-4211, and arrange for and ensure that
25 all of defendant's employees that engage in excavation activity as a part of their job
26

1 duties attend an operator safety presentation provided by NWN within 45 days
2 following the entry of a final order.

3 G. Defendant must take a blank copy of the Training Verification form attached to this
4 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.E.
5 and 4.F. above. Defendant must ensure that all of its employees attending a required
6 training sign a Training Verification form to verify attendance. A representative of
7 the organization providing the training (Instructor) must sign the Training
8 Verification Form to verify that each person listed on the form completed the training.
9 Defendant must return all completed training verification forms to Complainant at the
10 address on the Form within 10 days of the date of the last training session and in no
11 event later than 55 days following the date of the Commission's entry of an order in
12 this docket.

13 H. In the event that Complainant contends that Defendant has not complied with all of
14 the terms of this Stipulation and all OUNC rules for the one-year period, Complainant
15 may reopen this proceeding and petition for imposition of all or a portion of the
16 suspended penalty. In such case, Defendant is entitled to a hearing and to be notified
17 of the basis upon which Complainant contends that compliance has not occurred.

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

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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 7th day of October 2016.



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

DATED this 21 day of October 2016.

Prairie Electric, Inc. by:


Defendant / Representative (signature)

Kari Nichols, Controller

(Print Name)



Oregon Public Utility Commission
Training Verification

Docket NC 355

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)

- UNC - Oregon Excavation Laws
Operator Safety Presentation
Other:

Instructor Print Name: _____

Instructor Signature: _____ Date: _____

Table with 2 columns: Name (Printed), Name (Signed). Multiple empty rows for data entry.

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