

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

3 NC 362

4 PUBLIC UTILITY COMMISSION OF  
OREGON,

5 Complainant,

6 v.

7 DAVISON CONSTRUCTION LLC,

8 Defendant.

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STIPULATION FOR ENTRY OF ORDER

10 The Public Utility Commission of Oregon, appearing by and through Johanna M.  
11 Riemenschneider, Assistant Attorney General, and Davison Construction LLC, 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.

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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The parties further agree that the Commission may enter an order assessing civil monetary penalties against Defendant in the amount of \$1,000 under the following terms and conditions:

- A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. Payment of the penalty (\$1,000) is suspended and will be waived with no further penalties imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period following the date of the Commission's entry of an order.
- C. Defendant must contact the OUNC Speakers Bureau online at [www.digsafelyoregon.com](http://www.digsafelyoregon.com) or by calling (503) 232-1987 to arrange for and ensure that all of Defendant's employees that engage in excavation activity as part of their job duties, including but not limited to notifying the Oregon Utility Notification Center of proposed excavations, attend a training session on Oregon excavation laws within 45 days following the entry of the Commission's order.
- D. Defendant must also contact Bill Walker at Cascade Natural Gas (CNG) by email [William.Walker@cngc.com](mailto:William.Walker@cngc.com) or by calling (541) 706-6290 and arrange for and ensure that all of Defendant's employees that engage in excavation activity as a part of their job duties attend an operator safety presentation provided by CNG within 45 days following the entry of a final order.
- E. Defendant must take a blank copy of the Training Verification form attached to this Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.C. and 4.D. above. Defendant must ensure that all of its employees attending a required training sign a Training Verification form to verify attendance. A representative of

1 the organization providing the training (Instructor) must sign the Training  
2 Verification form to verify each person listed on the form completed the training.  
3 Defendant must return all completed Training Verification forms to Complainant at  
4 the address on the Form within 10 days of the date of the last training session and in  
5 no event later than 55 days following the date of the Commission's entry of an order  
6 in this docket.


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

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

17 5.

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

20 DATED this 27<sup>th</sup> day of July 2017.

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

1 DATED this 3<sup>rd</sup> day of August 2017.

2 Danny Davison

3 Defendant / Representative (signature)

4 Danny Davison

5 (Print Name)

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**Oregon Public Utility Commission  
Training Verification**

Docket NC 362

**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