



1 4.

2 The parties further agree that the Commission may enter an order assessing civil  
3 monetary penalties 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 Speakers Bureau online at  
13 [www.digsafelyoregon.com](http://www.digsafelyoregon.com) or by calling **(503) 232-1987** to arrange for and ensure  
14 that all of Defendant's employees that engage in excavation activity as part of their  
15 job duties, including but not limited to notifying the Oregon Utility Notification  
16 Center of proposed excavations, attend a training session on Oregon excavation laws  
17 within 45 days following the entry of the Commission's order.
- 18 D. Defendant must take a blank copy of the Training Verification form attached to this  
19 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.C.  
20 above. Defendant must ensure that all of its employees attending a required training  
21 sign a Training Verification form to verify attendance. A representative of the  
22 organization providing the training (Instructor) must sign the Training Verification  
23 form to verify each person listed on the form completed the training. Defendant must  
24 return all completed Training Verification forms to Complainant at the address on the  
25 Form within 10 days of the date of the last training session and in no event later than  
26 55 days following the date of the Commission's entry of an order in this docket.

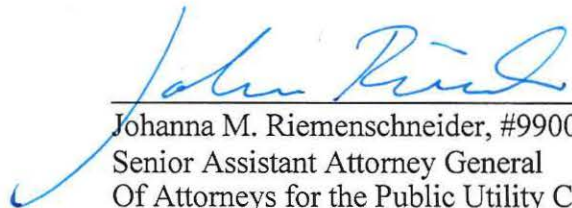
1 E. In the event that Complainant contends that Defendant has not complied with all of  
2 the terms of this Stipulation and all OUNC rules for that one-year period,  
3 Complainant may reopen this proceeding and petition for imposition of all or a  
4 portion of the suspended penalties. In such case,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

7 F. 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 27<sup>th</sup> day of July 2017.

15  
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17   
18 Johanna M. Riemenschneider, #990083  
19 Senior Assistant Attorney General  
20 Of Attorneys for the Public Utility Commission  
21 of Oregon

22 DATED this 22 day of July 2017.

23   
24 Defendant / Representative (signature)

25   
26 (Print Name)

