1	BEFORE THE PUBLIC	UTILITY COMMISSION		
2	OF OREGON			
3	NC 381			
4	PUBLIC UTILITY COMMISSION OF OREGON,			
5	Complainant,	STIPULATION FOR ENTRY OF FINAL ORDER		
6	V.			
7	PORTLAND & WESTERN RAILROAD, INC.,			
8 9	Defendant.	· · · · · · · · · · · · · · · · · · ·		
10	The Public Utility Commission of Oregon, appearing by and through Johanna M.			
11	Riemenschneider, Sr. Assistant Attorney General, and Portland & Western Railroad, Inc., the			
12	defendant 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 952-001-0090(2).			
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 or	the basis of this Stipulation.		
19	3.			
20	0 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	///			
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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	А.	Defendant must sign and return this Stipulation within 20 days of the date it was	
6		served upon (mailed to) Defendant.	
7	В.	Payment of the civil 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/ or by calling (503) 232-1987	
14		to arrange for and ensure that all of Defendant's employees that engage in excavation	
15		activity as part of their job duties, including but not limited to notifying OUNC of	
16		proposed excavations, attend a training session on Oregon Excavation laws within 45	
17		days following the entry of the Commission's final 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 under Paragraph 4.C above.	
20		Defendant must ensure that all of its employees attending a required training sign a	
21		Training Verification Form to verify attendance. A representative of the organization	
22		providing the training (Instructor) must sign the Training Verification Form to verify	
23		each individual listed on the Training Verification Form completed the training.	
24		Defendant shall return all completed Training Verification Forms to Complainant at	
25		the address on the Form within 10 days of date of the last training session and in no	
26			

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1	event no later than 55 days following the date of the Commission's entry of an order	
2	in this docket.	
3	E. 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	F. 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	r 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 32 day of May 2018.	
17	DATED this day of May 2018.	
18	John Kurnh	
19	Johanna M. Riemenschneider, #990083 Sr. Assistant Attorney General	
20	Of Attorneys for the Public Utility Commission	
21	of Oregon	
⁻ 22		
23	DATED this $\Delta 5$ day of May 2018.	
24	- Davin Hellms Representative for Defendant (signature)	
• 25		
26	(Print name)	

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Oregon Oregon Public Utility Commission				
Public Utility Commission Training Verification				
	Docket NC <u>381</u>			
	on the day of the training ame on the Training Verification form ng Verification form upon completion of training g Verification form to the address below <i>(retain a copy</i>			
Type of Training: (To be filled out by the instructor) OUNC – Oregon Excavation Laws Operator Safety Presentation				
Instructor Print Name:				
Instructor Signature:	Date:			
Name (Printed)	Name (Signed)			
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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