

The parties further agree that the Commission may enter an order assessing a civil monetary penalty 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 civil 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 Training Bureau online at www.digsafelyoregon.com/resources/speakers-training/ 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 OUNC of proposed excavations, attend a training session on Oregon Excavation laws within 45 days following the entry of the Commission's final order.
- D. Defendant must take a blank copy of the Training Verification form attached to this Stipulation as Attachment 1 to all required trainings under Paragraph 4.C above. Defendant must ensure that all of its employees attending a required training sign a Training Verification Form to verify attendance. A representative of the organization providing the training (Instructor) must sign the Training Verification Form to verify each individual listed on the Training Verification Form completed the training. Defendant shall return all completed Training Verification Forms to Complainant at the address on the Form within 10 days of date of the last training session and in no

1 event no later than 55 days following the date of the Commission's entry of an order
2 in this docket.

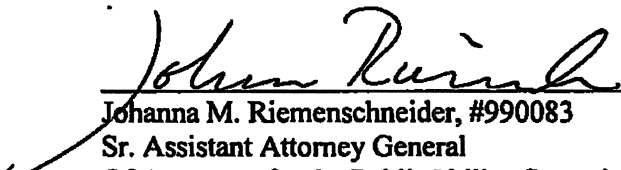
3 E. In the event that Complainant contends that Defendant has not complied with all of
4 the terms of this Stipulation and all OUNC rules for that one-year period,
5 Complainant may reopen this proceeding and petition for imposition of all or a
6 portion of the suspended penalties. In such case, Defendant 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.

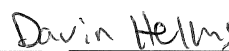

13 5.

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 3rd day of May 2018.

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

24
25 DATED this 25 day of May 2018.

26
27 
28 Representative for Defendant (signature)
29 
30 (Print name)



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