

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

3 NC 389

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 FRONTIER COMMUNICATIONS
9 NORTHWEST, INC.,

10 Defendant.

11 STIPULATION FOR ENTRY OF FINAL
12 ORDER

13 The Public Utility Commission of Oregon, appearing by and through Johanna M.
14 Riemenschneider, Assistant Attorney General, and Frontier Communications, the Defendant
15 herein, hereby stipulate as follows:

16 1.

17 A Complaint in this case is pending before the Commission charging the Defendant with
18 a violation of OAR 952-001-0070(1), and proposing civil penalties of \$1,000.

19 2.

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

22 3.

23 The Defendant admits that the violation was committed as alleged in the Complaint and
24 is willing for the Commission to enter an order finding that the violation was committed as
25 alleged in the Complaint. Defendant contends that the violation was the result of actions by a
26 third party contractor, but accepts responsibility for payment of the fine as an operator subject to
OAR 952-001-0070.

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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. Payment of a civil penalty (\$1,000) is suspended and the penalty shall be waived with
8 no further penalties imposed for the violation alleged in the Complaint unless
9 Defendant fails to comply with all of the terms of this Stipulation and all of the rules
10 adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a
11 one-year period following the date of the Commission's entry of an order.
- 12 C. On or before the 60th day following the Commission's entry of its Order in this
13 docket, Defendant must provide a current plan or procedure (policy) that identifies
14 the company's workflow for marking underground facilities, investigating and
15 troubleshooting damages to underground facilities. The policy must include, though
16 it is not limited to the following:
- 17 (1) Description of the purpose of the policy and commitment thereof by leadership,
18 management, and employees;
- 19 (2) Identification of notifications and types of responses for marking underground
20 facilities;
- 21 (3) Identification of tasks assigned to participants by title or position and their roles
22 and responsibilities in the workflow process;
- 23 (4) Identification of the technology or systems and methods used throughout the
24 policy that enables the completion of identified tasks; and
- 25 (5) Criteria for periodic review of effectiveness and identification of best practices.

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1 D. In the event that Complainant contends that the Defendant has not complied with all
2 of 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 penalty. In such case, Defendant shall be entitled to a
5 hearing and to be notified of the basis upon which Complainant contends that
6 compliance has not occurred.

7 E. 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.

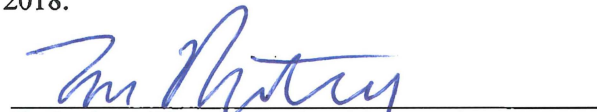
11 5.

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
15 DATED this 5th day of December 2018.

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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
23 DATED this 10th day of December 2018.

24
25 
26 Defendant / Representative (signature)
27 Tom Navotney
28 (Print Name)