

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

3 NC 390

4 PUBLIC UTILITY COMMISSION OF
OREGON,

5 Complainant,

6 v.

7 SWEENEY EXCAVATING, INC.,

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, Senior Assistant Attorney General, and Sweeney Excavating, 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 952-001-0050(1).

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.

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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 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 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 administrative 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 Cody Cox at Cascade Natural Gas (CNG) by email Cody.Cox@cngc.com or by calling (541) 706-6281 and arrange for and ensure that Defendant and all of Defendant's employees that engage in excavation activity attend an excavation safety presentation provided by CNG within 45 days following the entry of the Commission's order.
- D. Defendant must take a blank copy of the Training Verification form attached to this Stipulation as Attachment 1 to all required trainings scheduled under paragraph 4.C. above. Defendant must ensure that Defendant and 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 person listed on the form completed the training. Defendant must return all completed Training Verification forms to Complainant at the address on the Form within 10 days of the date of the last training session and in no event later than 55 days following the date of the Commission's entry of an order in this docket.

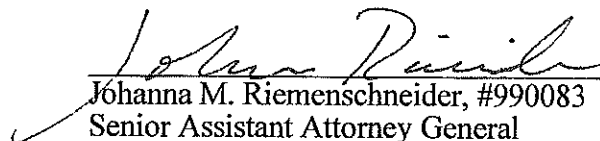
1 E. In the event that Complainant contends that Defendant has not complied with all of
2 the terms of this Stipulation and all OUNC rules for that one-year period,
3 Complainant may petition for imposition of all or a portion of the suspended
4 penalties. In such case, Defendant is entitled to a notice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

6 F. Complainant's failure to enforce any provision of this Stipulation, or decision to
7 waive any violation or nonperformance of this Stipulation in one instance, will not
8 constitute a waiver by the Complainant of that provision, any other provision, or any
9 other violation or nonperformance in another instance.

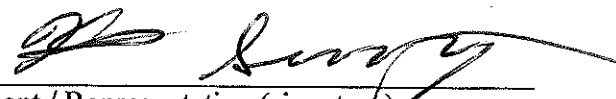
10 5.

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

13 DATED this 5th day of December 2018.

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

18 DATED this 23 day of December 2018.

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21 Defendant / Representative (signature)
22 Keith Sweezy
23 (Print Name)
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