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BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

NC 398

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

INTERSTATE CONCRETE AND ASPHALT  
COMPANY dba AMERICAN ROCK  
PRODUCTS,

Defendant.

STIPULATION FOR ENTRY OF FINAL  
ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Sr. Assistant Attorney General, and Interstate Concrete and Asphalt Company dba American Rock Products, the defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the Defendant with one violation of OAR 952-001-0090(9).

2.

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

3.

The Defendant admits that the violation was committed as alleged in the Complaint and is willing for the Commission to enter an order finding that the violation was committed as alleged in the Complaint.

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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:

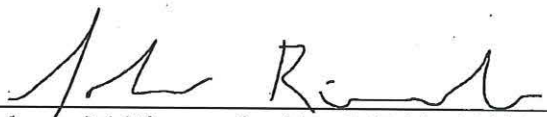
- 5 A. Defendant must sign and return this Stipulation within 20 days of the date it was  
6 served upon (mailed to) Defendant.
- 7 B. \$200 becomes due and payable on or before the 30<sup>th</sup> day following the Commission's  
8 entry of its order in this case.
- 9 C. Payment must be by money order made out to the Public Utility Commission of  
10 Oregon, and the memo line of the money order must state the "NC" docket number  
11 in the caption of this Stipulation.
- 12 D. Payment of the balance of the penalty (\$800) is suspended and will be waived with no  
13 further penalties imposed for the violation alleged in the Complaint unless Defendant  
14 fails to comply with all of the terms of this Stipulation and all of the rules adopted by  
15 the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year  
16 period following the date of the Commission's entry of an order.
- 17 E. Defendant must update company policy and procedures for giving notice to the  
18 OUNC. This includes but not limited to registering with the OUNC's ITICnxt  
19 provider. Contact the OUNC's provider to register at this email address:  
20 nwtic@occinc.com. This also includes reviewing tool resource information at  
21 http://or.tryitic.com.
- 22 F. Defendant must complete, and provide a certificate of completion for, the OUNC  
23 online course, Excavation Safety 101, registration for which is found at: Excavation  
24 Safety 101 – Oregon Utility Notification Center (digsafelyoregon.com). Defendant  
25 must provide Complainant with a certificate of completion on or before the 60<sup>th</sup> day  
26 following the Commission's entry of its order in this case.

- 1 G. 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 H. 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 I. If Defendant fails to comply with any of the conditions outlined above or the  
12 Defendant is found to have violated any rule within Chapter 952, Division 1 within  
13 12 months, the suspended amount of \$800 is forfeited.

14 5.

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

17  
18 DATED this 4<sup>th</sup> day of February 2022.

19   
20 Johanna M. Riemenschneider, OSB No. 990083  
21 Sr. Assistant Attorney General  
22 Of Attorneys for the Public Utility Commission  
23 of Oregon

24 DATED this 17 day of February 2022.

25   
26 Representative for Defendant (signature)

27 Tyrel Burns  
(Print name)