| 1 | BEFORE THE PUBLIC UTILITY COMMISSION | | | |
|----|--|--------------------------------|--|--|
| 2 | OF OREGON | | | |
| 3 | NC 399 | | | |
| 4 | PUBLIC UTILITY COMMISSION OF OREGON, | ¢i | | |
| 5 | Complainant, | STIPULATION FOR ENTRY OF FINAL | | |
| 6 | V. | ORDER | | |
| 7 | HENDREN CONSTRUCTION LLC, | | | |
| 8 | Defendant. | * | | |
| 9 | | | | |
| 10 | The Public Utility Commission of Oregon, appearing by and through Johanna M. | | | |
| 11 | Riemenschneider, Sr. Assistant Attorney General, and Hendren Construction LLC, the defendant | | | |
| 12 | herein, hereby stipulate as follows: | | | |
| 13 | 1. | | | |
| 14 | A Complaint in this case is pending before the Commission charging the Defendant with | | | |
| 15 | two violations of law, OAR 952-001-0090(9). | | | |
| 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. | | | |
| 19 | 3. | | | |
| 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. | | | |
| 23 | 4. | | | |
| 24 | The parties further agree that the Commission may enter an order assessing a civil | | | |
| 25 | monetary penalty against Defendant in the amount of \$1,000 under the following terms and | | | |
| 26 | conditions: | | | |

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| 1 | А | . Defendant must sign and return this Stipulation within 20 days of the date it was |
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| 2 | | served upon (mailed to) Defendant. |
| 3 | В | \$200 becomes due and payable on or before the 30 th day following the Commission's |
| 4 | D. | entry of its order in this case. |
| | ~ | |
| 5 | C. | Payment must be by money order made out to the Public Utility Commission of |
| 6 | | Oregon, and the memo line of the money order must state the "NC" docket number |
| 7 | | in the caption of this Stipulation. |
| 8 | D. | Payment of the balance of the penalties (\$800) is suspended and will be waived with |
| 9 | | no further penalties imposed for the violation alleged in the Complaint unless |
| 10 | | Defendant fails to comply with all of the terms of this Stipulation and all of the rules |
| 11 | | adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a |
| 12 | | one-year period following the date of the Commission's entry of an order. |
| 13 | E. | Defendant must update company policy and procedures for giving notice of an |
| 14 | | excavation to the OUNC. This includes but is not limited to registering with the |
| 15 | | OUNC's ITICnxt provider. Contact the OUNC's provider to register at this email: |
| 16 | | <u>nwitic@occinc.com</u> . This also includes reviewing tool resource information at |
| 17 | | http://or.tryitic.com. |
| 18 | F. | Defendant's management and each employee must register for and complete the |
| 19 | | OUNC online course, Excavation Safety 101, registration for which is found at: |
| 20 | | Excavation Safety 101 - Oregon Utility Notification Center (digsafelyoregon.com). |
| 21 | | Defendant must provide Complainant with a certificate of completion for each |
| 22 | | individual required to complete the course on or before the 60 th day following the |
| 23 | | Commission's entry of its order in this case. |
| 24 | G. | In the event that Complainant contends that Defendant has not complied with all of |
| 25 | | the terms of this Stipulation and all OUNC rules for that one-year period, |
| 26 | | Complainant may reopen this proceeding and petition for imposition of all or a |
| | | |

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1. 1. 2. 2

| 1 | | portion of the suspended penalties. In such case, Defendant is entitled to a notice and | |
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| 2 | | hearing on the basis upon which Complainant contends that compliance has not | |
| 3 | | occurred. | |
| 4 | Н. | Complainant's failure to enforce any provision of this Stipulation, or decision to | |
| 5 | | waive any violation or nonperformance of this Stipulation in one instance, will not | |
| 6 | | constitute a waiver by the Complainant of that provision, any other provision, or any | |
| 7 | | other violation or nonperformance in another instance. | |
| 8 | I. | If Defendant fails to comply with any of the conditions outlined above or the | |
| 9 | | Defendant is found to have violated any rule within Chapter 952, Division 1 within | |
| 10 | | 12 months, the suspended amount of \$800 is forfeited. | |
| 11 | | 5. | |
| 12 | 12 This Stipulation is conditioned upon final approval of its terms by the Commission. If | | |
| 13 | the Stipula | tion is not accepted in its entirety, it is deemed withdrawn. | |
| 14 | | | |
| 15 | DA | TED this 4 th day of February 2022. | |
| 16 | | And R. Ja | |
| 17 | | Johanna M. Riemenschneider, OSB No. 990083 Sr. Assistant Attorney General | |
| 18 | | Of Attorneys for the Public Utility Commission of Oregon | |
| 19 | | | |
| 20 | DA | TED this $12^{\frac{4}{12}}$ day of February 2022. | |
| 21 | | Along Heating | |
| 22 | | Representative for Defendant (signature) | |
| 23 | | (Print name) | |
| 24 | | (i inte fidance) | |
| 25 | | | |
| 26 | | | |
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