1	BEFORE THE PUBLIC UTILITY COMMISSION		
2	OF OREGON		
3	NC 401		
4	PUBLIC UTILITY COMMISSION OF OREGON,		
5	Complainant,	STIPULATION FOR ENTRY OF FINAL ORDER	
6	v.	ORDER	
7	MORENO & NELSON CONSTRUCTION		
8	CORP.,		
9	Defendant.		
10	The Public Utility Commission of Oregon, appearing by and through Johanna M.		
11	Riemenschneider, Sr. Assistant Attorney General, and Moreno & Nelson Construction Corp., th		
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	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	Α.	Defendant must sign and return this Stipulation within 20 days of the date it was
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		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 violations 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 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.	In the event that Complainant contends that Defendant has not complied with all of
19		the terms of this Stipulation and all OUNC rules for that one-year period,
20		Complainant may reopen this proceeding and petition for imposition of all or a
21		portion of the suspended penalties. In such case, Defendant is entitled to a notice and
22		hearing on the basis upon which Complainant contends that compliance has not
23		occurred.
24	G.	Complainant's failure to enforce any provision of this Stipulation, or decision to
25		waive any violation or nonperformance of this Stipulation in one instance, will not
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1	constitute a waiver by the Complainant of that provision, any other provision, or any
2	other violation or nonperformance in another instance.
3	H. If Defendant fails to comply with any of the conditions outlined above or the
4	Defendant is found to have violated any rule within Chapter 952, Division 1 within
5	12 months, the suspended amount of \$800 is forfeited.
6	5.
7	This Stipulation is conditioned upon final approval of its terms by the Commission. If
8	the Stipulation is not accepted in its entirety, it is deemed withdrawn.
9	
10	DATED this 4 th day of February 2022.
11	11 p - 1
12	Johanna M. Riemenschneider, OSB No. 990083
13	Sr. Assistant Attorney General Of Attorneys for the Public Utility Commission
14	of Oregon
15	DATED this 14 day of February 2022.
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17	Representative for Defendant (signature)
18	John Nelson
19	(Print name)
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