

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

3 NC 402

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 TRADEMARK LANDSCAPES, INC.,

9 Defendant.

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 Trademark Landscapes, 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.

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.

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The parties further agree that the Commission may enter an order assessing civil monetary penalties against Defendant in the amount of \$1,000 under the following terms and conditions:

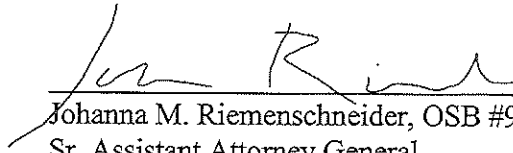
- A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. Payment of the penalty (\$1,000) is suspended and will be waived with no further penalties imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and all of the 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 update company policy and procedures for giving notice of an excavation to the OUNC. This includes but is not limited to registering with the OUNC's ITICnxt provider. Defendant shall contact the OUNC's provider to register at this email: nwitic@occinc.com. This also includes reviewing tool resource information at <http://or.tryitic.com>.
- D. In the event that Complainant contends that Defendant has not complied with all of the terms of this Stipulation and all OUNC rules for that one-year period, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties. In such case, Defendant is entitled to a notice and hearing on the basis upon which Complainant contends that compliance has not occurred.
- E. Complainant's failure to enforce any provision of this Stipulation, or decision to waive any violation or nonperformance of this Stipulation in one instance, will not constitute a waiver by the Complainant of that provision, any other provision, or any other violation or nonperformance in another instance.

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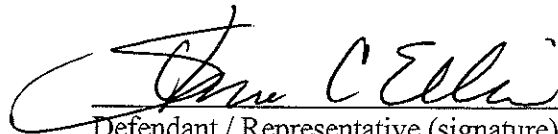
This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 14th day of July 2022.



Johanna M. Riemenschneider, OSB #990083
Sr. Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

DATED this 20 day of July 2022.



Defendant / Representative (signature)
Steve C. Ellis

(Print Name)