

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. Within 60 days of entry of the OPUC Final Order: Defendant must develop and implement updated safety plan procedures (policy) that identify the workflow for giving notice for proposed excavation work to the 811/One Call Center as required by OAR Chapter 952. The policy must include but not limited to the following:
 - a. Description of the purpose of the policy and commitment thereof by leadership, management, and employees.
 - b. Identification of types of notifications given to the 811/One-Call Center.
 - c. Identification of tasks assigned to participants by title or position and their role and responsibilities in the workflow process.
 - d. Workflow must address the reassignment of tasks when Company participants are unable to fulfill notification to the 811/One Call Center.
 - e. Procedures in the policy that address the following:
 - i. Applicable Oregon Utility Notification Center OAR Chapter 952 safety standards:

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=166>

1 ii. OR-OSHA Program Directive 303:

2 <https://osha.oregon.gov/OSHArules/pd/pd-303.pdf>

3 iii. Oregon One-Call Center manual for ITICnxt: [http://or.tryitic.com/wp-](http://or.tryitic.com/wp-content/uploads/sites/7/2021/08/ITICnxt-Full-Manual-Oregon-080621.pdf)
4 [content/uploads/sites/7/2021/08/ITICnxt-Full-Manual-Oregon-080621.pdf](http://or.tryitic.com/wp-content/uploads/sites/7/2021/08/ITICnxt-Full-Manual-Oregon-080621.pdf)

5 iv. Type of work and drawing tools to electronically premark/white line (Radius,
6 Route, Property Street and Other) and avoid over notification to 811/One Call Center.

7 v. CGA best practice - White lining 5.02

8 [https://bestpractices.commongroundalliance.com/5-Excavation/502-White-](https://bestpractices.commongroundalliance.com/5-Excavation/502-White-Lining#mainContentAnchor)
9 [Lining#mainContentAnchor](https://bestpractices.commongroundalliance.com/5-Excavation/502-White-Lining#mainContentAnchor)

10 vi. CGA best practice – Positive response 5.8

11 [https://bestpractices.commongroundalliance.com/5-Excavation/508-Positive-](https://bestpractices.commongroundalliance.com/5-Excavation/508-Positive-Response#mainContentAnchor)
12 [Response#mainContentAnchor](https://bestpractices.commongroundalliance.com/5-Excavation/508-Positive-Response#mainContentAnchor)

13 vii. CGA best practice – Documentation of Marks 5.11

14 [https://bestpractices.commongroundalliance.com/5-Excavation/511-Documentation-of-](https://bestpractices.commongroundalliance.com/5-Excavation/511-Documentation-of-Marks#mainContentAnchor)
15 [Marks#mainContentAnchor](https://bestpractices.commongroundalliance.com/5-Excavation/511-Documentation-of-Marks#mainContentAnchor)

16 viii. CGA best practice – Marking Preservation 5.17

17 [https://bestpractices.commongroundalliance.com/5-Excavation/517-Marking-](https://bestpractices.commongroundalliance.com/5-Excavation/517-Marking-Preservation#mainContentAnchor)
18 [Preservation#mainContentAnchor](https://bestpractices.commongroundalliance.com/5-Excavation/517-Marking-Preservation#mainContentAnchor)

19 f. Identification of technology or systems and methods used throughout the policy
20 that enables the completion of identified tasks.

21 g. Criteria for periodic review of effectiveness and identification of best practices.

22 D. Within 60 days of entry of the OPUC Final Order: Defendant must provide a copy of
23 the updated policy developed under Paragraph C to the Commission.

24 E. 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

1 portion of the suspended penalties. In such case, Defendant is entitled to a notice and
2 hearing on the basis upon which Complainant contends that compliance has not
3 occurred.

4 F. 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 5.

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

11 DATED this 13th day of June 2023.

12
13 Johanna Riemenschneider
14 Johanna M. Riemenschneider, OSB No. 990083
15 Senior Assistant Attorney General
16 Of Attorneys for the Public Utility Commission
17 of Oregon

18
19 DATED this 19 day of JUNE 2023.

20
21 [Signature]
22 Defendant (Representative (signature))

23
24 Jim Fettig
25 (Print Name)
26