

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

3 NC 407

4 PUBLIC UTILITY COMMISSION OF
OREGON,

5 Complainant,

6 v.

7 DYNASTY CONCRETE CO.,

8 Defendant.

STIPULATION FOR ENTRY OF ORDER

9
10 The Public Utility Commission of Oregon, appearing by and through Johanna M.
11 Riemenschneider, Senior Assistant Attorney General, and Dynasty Concrete Co., 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 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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1 4.

2 The parties further agree that the Commission may enter an order assessing civil
3 monetary penalties 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. Payment of the penalty (\$1,000) is suspended and will be waived with no further
8 penalties imposed for the violation alleged in the Complaint unless Defendant fails to
9 comply with all of the terms of this Stipulation and all of the rules adopted by the
10 Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period
11 following the date of the Commission's entry of an order.
- 12 C. Within 60 days of entry of the OPUC Final Order: Defendant must develop and
13 implement updated safety plan procedures (policy) that identifies the workflow for
14 giving notice for proposed excavation work to the 811/One Call Center as required
15 by OAR Chapter 952. The policy must include but is not limited to the following:
- 16 a. Description of the purpose of the policy and commitment thereof by
17 leadership, management, and employees.
 - 18 b. Identification of types of notifications given to the 811/One-Call Center.
 - 19 c. Identification of tasks assigned to participants by title or position and their role
20 and responsibilities in the workflow process.
 - 21 d. Workflow must address the reassignment of tasks when Company
22 participants are unable to fulfill notification to the 811/One Call Center.
 - 23 e. Procedures in the policy must address the following:
 - 24 i. Applicable Oregon Utility Notification Center OAR Chapter 952 safety
25 standards:
- 26

1 [https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter](https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=166)
2 [=166](https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=166)

3 ii. OR-OSHA Program Directive 303:

4 <https://osha.oregon.gov/OSHARules/pd/pd-303.pdf>

5 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)
6 [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)

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

10 v. CGA best practice - White lining 5.02

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

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

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

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

18 E. 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 F. 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 5.

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

6
7 DATED this 13th day of June 2023.

8
9 Johanna Riemenschneider
10 Johanna M. Riemenschneider, OSB No. 990083
11 Senior Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

12 DATED this 15th day of June 2023.

13
14 Sharon Tate
Defendant / Representative (signature)
15 Sharon Tate
16 (Print Name)