

Public Utility Commission 201 High St SE Suite 100 Salem, OR 97301-3398 Mailing Address: PO Box 1088 Salem, OR 97308-1088 503-373-7394

March 30, 2017

6

Hal Ranstad Source Landscaping, Incorporated P.O. Box 446 Bend, Oregon 97709

Re: NC 359, Public Utility Commission of Oregon vs. Source Landscaping, Incorporated

Dear Mr. Ranstad:

Based on your telephone conversation with Karla Hunter, Safety Policy Analyst, I am enclosing another original and one copy of the Stipulation.

Please date and sign the original Stipulation as soon as possible, and send it to me for processing. The copy is for your records.

Thank you very much.

PUBLIC UTILITY COMMISSION OF OREGON

enj

Cheryl Walker Administrative Specialist 2 Administrative Hearings Division (503) 378-2849

Enclosures

Mailed at Salem, Oregon on March 30, 2017.

1	BEFORE THE PUBLIC UTILITY COMMISSION			
2	OF OREGON			
3	NC 359			
	PUBLIC UTILITY COMMISSION OF OREGON,			
5	Complainant,	STIPULATION FOR ENTRY OF FINAL		
6	v.	ORDER		
7	SOURCE LANDSCAPING, INCORPORATED,			
8	Defendant.			
9	Derendant.			
10				
11	The Public Utility Commission of Oregon, appearing by and through Johanna M.			
12	Riemenschneider, Assistant Attorney General, and Source Landscaping, Incorporated, the			
13	Defendant herein, hereby stipulate as follows:			
14	1.			
15	A Complaint in this case is pending before the Commission charging the Defendant with			
16	two violations of law, which include one violation of OAR 952-001-0090(1) and one violation of			
17	OAR 952-001-0090(4), and proposing total civil penalties of \$2,000.			
18	2.			
19	Both parties to this proceeding are willing to forego further processing of that Complaint			
20	and further are willing to resolve this matter on the basis of this Stipulation.			
21	3.			
22	The Defendant admits that the violation was committed as alleged in the Complaint and			
23	is willing for the Commission to enter an order finding that the violation was committed as			
24	alleged in the Complaint.			
25	///			
26	///			
Page 1 - STIPULATION FOR ENTRY OF ORDER (NC 359) JMR:mxg/8003657				

. . ..

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

1	4.	
2	2 The parties further agree that the Commission may enter an order assessing civil	
3	monetary penalties against Defendant in the amount of \$2,000 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. \$400.00 becomes due and payable on or before the 30 th day following the	
8	Commission's entry of its order in this case.	
9	C. Payment must be by <u>cashier's check</u> or <u>money order</u> made out to the <u>Public Utilit</u>	Y
10	Commission of Oregon, and the memo line of the money order must state the "NC	
11	357" docket number in the caption of this Stipulation.	
12	D. Payment of the balance of the penalties (\$1,600) will be suspended and will be	
13	waived with no further penalties imposed for the violation alleged in the Complaint	
14	unless Defendant fails to comply with all of the terms of this Stipulation and all of t	he
15	rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.55	2
16	for a one-year period following the date of the Commission's entry of an order.	
17	E. Defendant must contact the OUNC Speakers Bureau online at	
18	www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure	
19	that all of Defendant's employees that engage in excavation activity as part of their	
20	job duties, including but not limited to notifying the Oregon Utility Notification	
21	Center of proposed excavations, attend a training session on Oregon excavation law	S
22	within 45 days following the entry of the Commission's order.	
23	F. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email	
24	William.Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensur	e
25	that all of Defendant's employees that engage in excavation activity as a part of the	ir
26		

Page 2 -STIPULATION FOR ENTRY OF ORDER (NC 359) JMR:mxg/8003657 1 2 job duties attend an operator safety presentation provided by CNG within 45 days following the entry of a final order.

- 3 G. Defendant must take a blank copy of the Training Verification form attached to this 4 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.E. 5 and 4.F. above. Defendant must ensure that all of its employees attending a required 6 training sign a Training Verification form to verify attendance. A representative of 7 the organization providing the training (Instructor) must sign the Training 8 Verification form to verify that each person listed on the form completed the training. 9 Defendant must return all completed training verification forms to Complainant at the 10 address on the Form within 10 days of the date of the last training session and in no 11 event later than 55 days following the date of the Commission's entry of an order in 12 this docket.
- H. In the event that Complainant contends that Defendant has not complied with all of
 the terms of this Stipulation and all OUNC rules for the 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.
- I. 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.
- 22 ///
- 23 ///
- 24 ///

25

111

26 ///

Page 3 - STIPULATION FOR ENTRY OF ORDER (NC 359) JMR:mxg/8003657

> Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

1	5.		
2	This Stipulation is conditioned upon final approval of its terms by the Commission. If		
3	e Stipulation is not accepted in its entirety, it is deemed withdrawn.		
4			
5	DATED this 24 th day of February 2017.		
6			
7	Johanna M. Riemenschneider, #990083		
8	Senior Assistant Attorney General		
9	Of Attorneys for the Public Utility Commission of Oregon		
10			
11	DATED this day of 2017.		
12			
13	Defendant / Representative (signature)		
14			
15			
16	(Print Name)		
17			
18			
19			
20			
21			
22			
23			
24	а — ₂		
25			
26			
Page	- STIPULATION FOR ENTRY OF ORDER (NC 359) JMR:mxg/8003657		

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784



Oregon Public Utility Commission Training Verification

Docket NC 359

Instructions:				
Defendant:				
 Schedule training(s) outlined in Stipulation 				
 Complete the Training Verification form on the day of the training All attendees must print and sign their name on the Training Verification form 				
 Defendant must mail completed Trainir for your records) 	ng Verification form to the address below <i>(retain a copy</i>			
Instructor:				
o Date and sign the Training Verification f	orm upon completion of training			
Type of Training: (To be filled out by the instructor)				
Type or Humme, (10 be fined out by the histractor)				
OUNC-Oregon Excavation Laws	Operator Safety Presentation Other:			
Instructor Print Name:				
Instructor Signature:	Date:			
Name (Printed)	Name (Signed)			

Mail Completed form to:

Public Utility Commission of Oregon Administrative Hearings Division 201 High St. SE, Ste. 100 PO Box 1088 Salem OR 97308-1088