



Oregon

Kate Brown, Governor

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

**CERTIFIED MAIL #7018 0680 0001 9359 8559
RETURN RECEIPT REQUESTED**

December 5, 2019



Troy Reynolds, President and Registered Agent
All Seasons Well Drilling, Inc.
3262 Willamette Drive N.
Keizer, OR 97303

Re: NC 393, Public Utility Commission of Oregon vs. All Seasons Well Drilling, Inc.

Dear Mr. Reynolds:

Based on your on-going telephone conversations with Ray Muller, Safety Utility Analyst, I am enclosing a second duplicate original and one copy of the cover letter, Complaint, and 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

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

Enclosures

Mailed at Salem, Oregon on December 5, 2019.



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

October 15, 2019

Troy Reynolds, President and Registered Agent
All Seasons Well Drilling, Inc.
3262 Willamette Drive N.
Keizer, OR 97303

Re: Violation of Oregon Utility Notification Center Rules
DOJ File No. 860140-GB0529-19/ Docket No. NC 393

PLEASE READ ALL DOCUMENTS CAREFULLY –
DIRECT ALL CORRESPONDENCE TO THE PUBLIC UTILITY COMMISSION OF OREGON

On August 22, 2019, a representative from your company participated in a telephone conference with the Enforcement Committee to discuss an alleged rule violation. At that conference, an agreement was reached regarding penalties for the violation.

Enclosed are two sets of documents that contain a Complaint and a Stipulation. The Complaint serves as a formal notice to you of the violation you were charged with and requires that you Answer the allegation. Because you already reached an agreement with the Enforcement Committee, you do not need to submit an Answer. Instead, you need only sign and return the enclosed Stipulation in order to answer the Complaint. If you had not reached an agreement with the Enforcement Committee, filing an Answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing.

The Stipulation sets forth the terms and conditions of the agreement you reached with the Enforcement Committee. To finalize the settlement, **you must sign the original Stipulation and mail it within 20 days of the date of this letter to:**

Public Utility Commission of Oregon
Administrative Hearings Division
P.O. Box 1088
Salem OR 97308-1088

The Commission should issue an order adopting the Stipulation within 30 days of its receipt. Please retain the extra copy of the Stipulation for your files.

If for some reason you no longer agree to the terms of the Stipulation, you **MUST FILE AN ANSWER TO THE COMPLAINT**, admitting or denying the allegation within 20 days, or a default order may be issued.

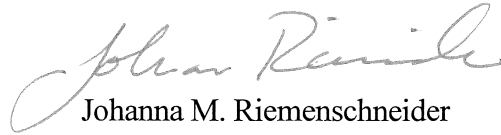
All Seasons Well Drilling, Inc.

October 15, 2019

Page 2

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Kevin Hennessy (503) 378-6115.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johanna Riemenschneider".

Johanna M. Riemenschneider
Senior Assistant Attorney General
Business Activities Section

JMR:pjr/#9801290

Enclosures

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

3 NC 393

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 ALL SEASONS WELL DRILLING, INC.,

9 Defendant.

COMPLAINT

10 1.

11 This proceeding is initiated by the Public Utility Commission of Oregon (hereinafter
12 “Commission”) to determine whether civil monetary penalties should be assessed as provided in
13 ORS 757.993. The Commission maintains its offices at:

14 201 High Street SE, Suite 100, Salem, Oregon 97301.

15 2.

16 At all times herein relevant, Defendant was doing business in this state.

17 3.

18 Under ORS 757.993, the Commission has discretion to seek penalties for violations of
19 rules adopted by the Oregon Utility Notification Center (OUNC).

20 4.

21 Under ORS 757.552, OUNC has adopted rules that prescribe requirements for
22 notification to OUNC of excavation activity and marking of underground facilities for the
23 purpose of preventing damage to such facilities. “Excavation” and other relevant definitions are
24 contained in OAR 952-001-0010.

25 ///

26 ///

1 5.
2 OUNC adopted OAR 952-001-0050, which was in effect at all times herein relevant. The
3 rule provides in relevant part:

4 (1) * * * [A]t least 2 business days, but not more than 10 business days
5 before beginning an excavation, the excavator must notify the Oregon Utility
6 Notification Center of the date and location of the proposed excavation, and the
type of work to be performed.

7 6.
8 On or about December 15, 2018, Defendant violated OAR 952-001-0050(1), in that
9 Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation
10 before commencing an excavation at or near the intersection of 5056 Cobb Lane S. and Rosey
11 View Street S. in Salem, Oregon.

12 7.
13 ORS 757.993 provides, in relevant part, that:
14 “* * * every person who violates or who procures, aids or abets in the violation of
15 any rule of the Oregon Utility Notification Center shall incur a penalty of not
16 more than \$1,000 for the first violation and not more than \$5,000 for each
subsequent violation.”

17 8.
18 Defendant has not violated OUNC rules in the past.

19 9.
20 WHEREFORE, the Commission directs Defendant to file a verified answer to this
21 Complaint within twenty (20) days from the date this Complaint is mailed to Defendant. If no
22 verified answer or other written appearance raising a question of fact or law is filed with the
23 Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the

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25 ///
26 ///

1 Complaint is deemed admitted, and a penalty will be imposed by default order in the amount of
2 \$1,000 for each violation alleged, for a total of \$1,000.

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DATED this 15 day of October 2019.

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Respectfully submitted,

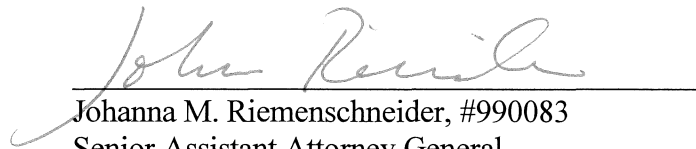
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ELLEN F. ROSENBLUM

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Attorney General

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Johanna M. Riemenschneider, #990083

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Senior Assistant Attorney General

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Of Attorneys for the Public Utility Commission
of Oregon

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

3 NC 393

4 PUBLIC UTILITY COMMISSION OF
OREGON,

5 Complainant,

6 v.

7 ALL SEASONS WELL DRILLING, INC.,

8 Defendant.

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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 All Seasons Well Drilling, 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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26 ///

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. Defendant must complete and return a copy of the Training Verification form
13 attached to this Stipulation as Attachment 1 to document the date and time Defendant
14 completed the OUNC training offered by Northwest Natural Gas Co. personnel.
15 Defendant must return completed Training Verification form to Complainant at the
16 address on the Form within 55 days following the date of the Commission's entry of
17 an order in this docket.

18 D. 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.

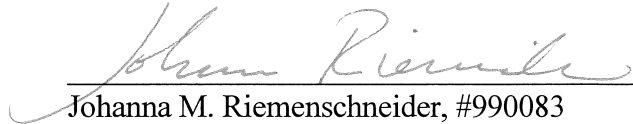
24 E. Complainant's failure to enforce any provision of this Stipulation, or decision to
25 waive any violation or nonperformance of this Stipulation in one instance, will not
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1 constitute a waiver by the Complainant of that provision, any other provision, 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 DATED this 15 day of October 2019.

7
8 
9 Johanna M. Riemenschneider, #990083
10 Senior Assistant Attorney General
11 Of Attorneys for the Public Utility Commission
of Oregon

12 DATED this _____ day of October 2019.

13
14 _____
15 Defendant / Representative (signature)

16 _____
17 (Print Name)

