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BEFORE THE PUBLIC UTILITY COMMISSION**

OF OREGON

NC 12

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
DESERT SAGE CONSTRUCTION, L.L.C.)
(an Oregon Limited Liability Company),)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On July 20, 2000, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law and requested a penalty of \$1,000. On July 21, 2000, a copy of the complaint was served.

On July 31, 2000, a photocopy of the Stipulation For Entry of Final Order signed by James Dickson, with a photocopy of Assistant Attorney General David B. Hatton's signature on it, was received from defendant. On August 30, 2000, Administrative Specialist Cheryl Walker mailed a letter to defendant with an original stipulation, dated August 29, 2000, with Assistant Attorney General Paul Graham's original signature, asking that this Stipulation be signed and returned so that both original signatures are on one document. On February 12, 2001, the parties to this proceeding filed a stipulation, which is attached and incorporated by reference.

Defendant admits committing the violation alleged in the complaint. The stipulation is adopted.

From the foregoing, it is concluded that no hearing is required. Under the terms of the stipulation, the allegations of the complaint are true, and Defendant has violated Oregon Administrative Rule(s) as alleged. Pursuant to the provisions of ORS 757.993, penalties should be assessed against Defendant under the terms and conditions of the stipulation.

ORDER

IT IS ORDERED that:

1. Civil monetary penalties shall be assessed against Defendant in the amount of \$1,000; and
2. Defendant shall pay the sum of \$200, due and payable within 30 days from the date of service of this order; and
3. Payment of the balance of the penalties (\$800) shall be suspended for a period of one year following entry of this order; and
4. Within 45 days following entry of this Order, Defendant shall arrange for a training session on Oregon excavation laws by contacting the Oregon Utility Notification Center (OUNC) Speakers Bureau.
5. Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties if Defendant has not complied with all OUNC rules for a period of one year following entry of this order.

Made, entered, and effective _____.

William G. Warren
Director
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to ORS 756.580.

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

3 NC 12

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 DESERT SAGE CONSTRUCTION, L.L.C.
9 (an Oregon Limited Liability Company),

10 Defendant.

11 STIPULATION FOR ENTRY OF FINAL
12 ORDER

13 The Public Utility Commission of Oregon, appearing by and through Paul Graham,
14 Assistant Attorney General, and Desert Sage Construction, the defendant herein, hereby stipulate
15 as follows:

16 1.

17 A Complaint in this case is pending before the Commission charging the defendant with
18 one violation of law, as set out in the attached Complaint on file herein.

19 2.

20 Both parties to this proceeding are willing to forego further processing of that Complaint
21 and further are willing to resolve this matter on the basis of this stipulation.

22 3.

23 The defendant admits that the violation was committed as alleged in the Complaint and is
24 willing for the Commission to enter an order finding that the violation was committed as alleged
25 in the Complaint.

26 4.

The parties further agree that the Commission may enter an order assessing civil
monetary penalties against the defendant in the amount of \$1000 under the following terms and
conditions:

- 1 A. \$200 shall become due and payable on or before the 30th day following the
2 Commission's entry of a final order in this case. Payment of the balance of the penalties
3 (\$800) shall be suspended for a period of one year following the entry of the
4 Commission's final order in this case. If defendant complies with all of the rules adopted
5 by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for that one year
6 period, the suspended penalties (\$800) shall be dismissed and no further penalties shall be
7 imposed for the violation alleged in the Complaint.
- 8 B. Defendant shall arrange for a training session for employees through the OUNC Speakers
9 Bureau within 45 days following entry of the Commission's final order.
- 10 C. In the event that complainant contends that the defendant has not complied with all
11 OUNC rules for that one year period, complainant may reopen this proceeding and
12 petition for imposition of all or a portion of the suspended penalties. In such case
13 defendant shall be entitled to a hearing and to be notified of the basis upon which
14 complainant contends that compliance has not occurred.

15 5.

16 This stipulation is conditioned upon final approval of its terms by the
17 Commission. If the stipulation is not accepted in its entirety, it shall be deemed
18 withdrawn.

19 DATED this _____ day of _____, 2000.

20
21 _____
22 Paul A. Graham, OSB #77190
23 Assistant Attorney General
Of Attorneys for PUC Staff

24 DATED this _____ day of _____, 2000.

25
26 _____
Representative for Defendant