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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 34

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
DONALD E. WAIBEL, dba D.E.W.)
CONCRETE,)
)
Defendant.

ORDER

DISPOSITION: MONETARY PENALTIES ASSESSED

On December 15, 2000, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law.

Defendant was notified in the complaint, served on January 5, 2001, that failure to answer or otherwise appear within 20 days after service would be deemed a default. Furthermore, all material allegations of the complaint would be deemed admitted, hearing waived, penalties imposed, and the matter disposed of by appropriate order without further notice. Defendant failed to file an answer or otherwise plead or appear within the time specified.

From the foregoing, it is concluded that Defendant is in default, all material allegations of the complaint are deemed admitted, hearing waived, and that, pursuant to ORS 757.993, civil monetary penalties should be assessed against Defendant in the amount of \$1,000.

ORDER

IT IS ORDERED that:

1. Civil monetary penalties in the amount of \$1,000 are assessed against DONALD E. WAIBEL, dba D.E.W. CONCRETE.
2. Defendant shall pay the sum of \$1,000, due and payable within 30 days from the date of service of this order.

Made, entered, and effective _____.

Phil Nyegaard
Acting Director
Utility Program

Petition for Mitigation Under ORS 757.993.(5), you may request reduction of penalties ordered by filing a Petition for Mitigation with the Commission within 15 days of the date of service of this order.

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 34

4 PUBLIC UTILITY COMMISSION OF
5 OREGON,

6 Complainant,

7 v.

8 DONALD E. WAIBEL, dba D.E.W.
9 CONCRETE,

10 Defendant.

11 STIPULATION FOR ENTRY OF FINAL ORDER

12 The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
13 Assistant Attorney General, and D.E.W. Concrete, the defendant herein, hereby stipulate as
14 follows:

15 1.

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

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 is
23 willing for the Commission to enter an order finding that the violation was committed as alleged
24 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 the defendant in the amount of \$1000 under the following terms and
4 conditions:

5 A. \$500 shall become due and payable on or before the 30th day following the
6 Commission's entry of a final order in this case. Payment shall be by cashier's check or
7 money order made out to the Public Utility Commission of Oregon, and the memo line of
8 the cashier's check or money order shall state the "NC" docket number in the caption of
9 this stipulation. Payment of the balance of the penalties (\$500) shall be suspended for a
10 period of one year following the entry of the Commission's final order in this case. If
11 defendant complies with all of the rules adopted by the Oregon Utility Notification
12 Center (OUNC) under ORS 757.552 for that one year period, the suspended penalties
13 (\$500) shall be dismissed and no further penalties shall be imposed for the violation
14 alleged in the Complaint.

15 B. In the event that complainant contends that the defendant has not complied with all
16 OUNC rules for that one year period, complainant may reopen this proceeding and
17 petition for imposition of all or a portion of the suspended penalties. In such case
18 defendant shall be entitled to a hearing and to be notified of the basis upon which
19 complainant contends that compliance has not occurred.

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5.

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

DATED this ____ day of _____, 2000.

Paul A. Graham, OSB #77190
Assistant Attorney General
Of Attorneys for PUC Staff

DATED this ____ day of _____, 2000.

Representative for Defendant