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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

NC 63

PUBLIC UTILITY COMMISSION OF	)	
OREGON,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
EDWARD J. OWNBEY, dba MR. ED'S	)	
BACKHOE SERVICE,	)	
	)	
Defendant.	)	

ORDER

**DISPOSITION: MONETARY PENALTIES ASSESSED**

On December 11, 2002, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with violating OAR 952-001-0050, by failing to notify the Oregon Utility Notification Center of a proposed excavation prior to excavating.

Defendant was notified in the complaint, served on December 20, 2002, 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 EDWARD J. OWNBEY, dba MR. ED'S BACKHOE SERVICE.
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 \_\_\_\_\_.

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**Roy Hemmingway**  
Chairman

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**Lee Beyer**  
Commissioner

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**Joan H. Smith**  
Commissioner

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.