

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

NC 138

PUBLIC UTILITY COMMISSION OF)
 OREGON,)
)
 Complainant,)
)
 v.)
)
 CITY OF TIGARD,)
)
 Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On April 14, 2005, 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 April 19, 2005, a copy of the complaint was served.

On April 21, 2005, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, Defendant admits committing the alleged violation and agrees that the Commission may enter an order assessing civil monetary penalties. Defendant also agrees to complete, within 45 days following execution of the stipulation, a training session with the Oregon Utility Notification Center Speakers Bureau on Oregon excavation laws. A review of the Commission's records indicates that Defendant has completed the training session.

The parties further agree that a portion of the penalties should be suspended, unless Defendant fails to comply with any provision of the stipulation or violates any rule adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a period of one year following the date of the Commission's final order in this proceeding.

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. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Defendant in the amount of \$1,000 for one violation of law.
3. Payment of the penalties (\$1000) shall be suspended, unless a showing is made that Defendant has violated, within one year of the date of this order, any rules administered by the Oregon Utility Notification Center.
4. If Defendant has not complied with all OUNC rules for that one year period described in paragraph 3 above, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties.

Made, entered, and effective OCT 18 2005.



Lee Sparling

Lee Sparling
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.

RECEIVED

APR 28 2005

Public Utility Commission of Oregon
Administrative Hearings Division

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 138

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

CITY OF TIGARD,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and City of Tigard, the defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the defendant with
one violation of law.

2.

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

3.

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

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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 19th day of April, 2005.

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

DATED this 21 day of April, 2005.

Saul P. Minner
Representative for Defendant

*Training was completed on
December 29, 2004*