

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 175

PUBLIC UTILITY COMMISSION OF	)
OREGON,	)
	)
Complainant,	)
	)
v.	)
	)
PACIFICORP (an Oregon corporation),	)
dba PACIFIC POWER & LIGHT,	)
	)
Defendant.	)

ORDER

**DISPOSITION: STIPULATION ADOPTED**

On February 7, 2006, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-001-0070. Defendant committed the violation described in this complaint within three years from the date a prior order was issued. *See* Order No. 04-451. A penalty shall be imposed in the amount of \$5,000 for each violation alleged, and the \$2,500 penalty that was suspended in Order No. 04-451 entered against Defendant shall be reinstated, for a total penalty of \$7,500. On February 7, 2006, a copy of the complaint was served.

On February 17, 2006, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

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

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 the entry of a final order, 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.

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**

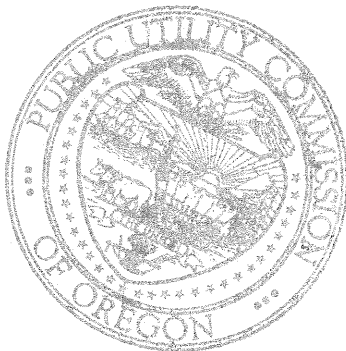
IT IS ORDERED that:

1. Civil monetary penalties shall be assessed against PacifiCorp (an Oregon corporation), dba Pacific Power & Light, in the amount of \$5,000 for one violation of law.
2. Payment of the balance of the penalties (\$2,500) from Order No. 04-451 entered against Defendant shall be reinstated.
3. Defendant shall pay the sum of \$7,500, due and payable within 30 days from the date of service of this order. Payment shall be by cashier's check or money order made out to the Public Utility Commission of Oregon, and the memo line of the cashier's check or money order shall state the "NC" docket number in the caption of this order. (Mail payment to: Public Utility Commission of Oregon, PO Box 2153, Salem, OR 97308.)

Made, entered, and effective MAR 05 2006

*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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

RECEIVED

FEB 22 2006

Public Utility Commission of Oregon  
Administrative Hearing Division

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

NC 175

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

PACIFICORP (an Oregon corporation), dba  
PACIFIC POWER & LIGHT,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,  
Assistant Attorney General, and Pacific Power & Light, 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, OAR 952-001-0070.

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.

4.

The parties further agree that the Commission may enter an order assessing civil  
monetary penalties against the defendant in the amount of \$7,500 (\$2,500 suspended penalties

DOCKETED

APPENDIX A  
PAGE 1 OF 2

1 from Final Order No. 04-451 and \$5,000 in penalties from a subsequent violation on October 5,  
2 2005) under the following terms and conditions:

3 A. \$5,000, plus the \$2,500 from the previous suspension, shall become due and payable on  
4 or before the 30th day following the Commission's entry of a final order in this case.

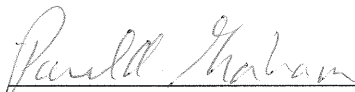
5 B. Payment shall be by cashier's check or money order made out to the **Public Utility**  
6 **Commission of Oregon**, and the memo line of the cashier's check or money order shall  
7 state the "NC" docket number in the caption of this stipulation.

8 C. Defendant shall contact the OUNC Speakers Bureau at (503) 232-1987 to arrange for and  
9 the entire company shall attend a training session on Oregon excavation laws within 45  
10 days following the entry of a final order.

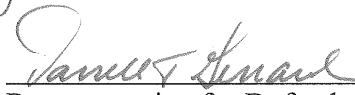
11 5.

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

14  
15 DATED this 7<sup>th</sup> day of February, 2006.

16  
17   
18 Paul A. Graham, OSB #77190  
19 Assistant Attorney General  
Of Attorneys for PUC Staff

20 DATED this 17<sup>th</sup> day of February, 2006.

21  
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23 Representative for Defendant  
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25  
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