

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 165

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
 Complainant,)
)
 v.)
)
 CLEAN WATER SERVICES,)
)
 Defendant.)
)

ORDER

DISPOSITION: STIPULATION ADOPTED

On January 11, 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, and requested a penalty of \$1,000. On January 13, 2006, a copy of the complaint was served.

On March 22, 2007, 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(s) 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.

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 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 (\$1,000) shall be suspended, unless:
 - (a) 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.

Made, entered, and effective APR 17 2007.



A handwritten signature in cursive script, appearing to read "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.

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MAR 21 2007

Public Utility Commission of Oregon
Administrative Hearing Division

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

NC 165

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

vs.

CLEAN WATER SERVICES,

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and Clean Water Services, 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 agrees not to contest whether the violation was committed as alleged in the
Complaint, and, in the interest of resolving this matter, will agree to the terms recommended by
the Commission regarding suspended penalties process.

DOCKETED

1 4.

2 Clean Water Services agreed that its personnel involved in the locating and excavating
3 process be trained in the Oregon Excavation Laws through a session provided by the OUNC
4 Speaker's Bureau and such training has been completed.

5 5.

6 Complainant and Defendant reached agreement on the provisions of this Stipulation for
7 Entry of Final Order on or about March 13, 2006.

8 6.

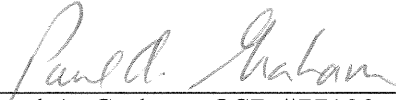
9 The parties further agree that the Commission may enter an order assessing civil
10 monetary penalties against the defendant in the amount of \$1,000 under the following terms and
11 conditions:

- 12 A. \$1,000 shall be permanently suspended and no further penalties shall be imposed
13 for the violation alleged in the Complaint unless defendant is found to violate the
14 rules adopted by the Oregon Utility Notification Center (OUNC) under
15 ORS 757.552 within a one year period following the date of the parties reaching
16 agreement on the provisions of this Stipulation for Entry of Final Order.
- 17 B. In the event that defendant is found to violate an OUNC rule within a one year
18 period following the date of the parties reaching agreement on the provisions of
19 this Stipulation for Entry of Final Orders the Complainant may reopen this
20 proceeding and petition for imposition of all or a portion of the suspended
21 penalties. In such case defendant shall be entitled to a hearing.

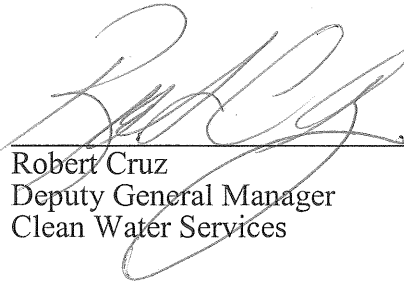
22 7.

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

1 DATED this 22nd day of March, 2007.

2 
3 _____
4 Paul A. Graham, OSB #77190
5 Assistant Attorney General
6 Of Attorneys for PUC Staff

7 DATED this 19th day of March, 2007.

8 
9 _____
10 Robert Cruz
11 Deputy General Manager
12 Clean Water Services

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