

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 284

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

W-5 EXCAVATION, INC. (an Oregon
corporation),

Defendant.

ORDER

DISPOSITION: MONETARY PENALTIES ASSESSED

On January 7, 2010, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-001-0050, for failing to notify the Oregon Utility Notification Center of a proposed excavation prior to excavating.

Defendant was notified in the complaint, served on January 7, 2010, 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.

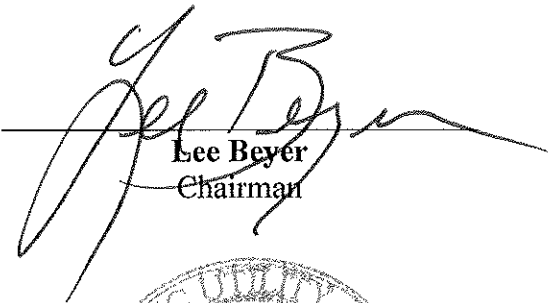
From the foregoing, it is concluded that Defendant is in default, all material allegations of the complaint are deemed admitted, hearing waived, and that, pursuant to ORS 757.993, civil monetary penalties should be assessed against Defendant in the amount of \$1,000.

ORDER

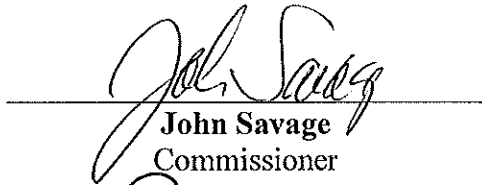
IT IS ORDERED that:

1. Civil monetary penalties in the amount of \$1,000 are assessed against W-5 Excavation, Inc. (an Oregon corporation).
2. Defendant shall pay the sum of \$1,000, due and payable within 30 days from the date of service of this order. Payment shall be by money order or company check 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 FEB 24 2010.



Lee Beyer
 Chairman



John Savage
 Commissioner



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