

ORDER NO.

14 130

ENTERED

APR 17 2014

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 338

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

ORDER

QWEST COMMUNICATIONS  
COMPANY, LLC (a Delaware LLC), dba  
CENTURYLINK QCC,

Defendant.

**DISPOSITION: STIPULATION ADOPTED**

On March 26, 2014, the Public Utility Commission of Oregon filed a complaint against defendant Qwest Communications Company, LLC (a Delaware LLC), dba CenturyLink QCC, and a stipulation for entry of order.

The complaint charged defendant with violating OAR 952-001-0070, the administrative rule addressing underground facility operators' marking and notification requirements prior to a proposed excavation, and stated the Commission's intent to impose a penalty of \$1,000 for the rule violation, as permitted under ORS 757.993.

The stipulation for entry of order, executed by defendant on April 7, 2014, formalized the agreement reached between the Commission and defendant, and resolves all issues raised in the complaint. Defendant admits to committing the rule violation. The parties agree that the Commission may enter an order assessing a civil monetary penalty against defendant in the amount of \$1,000, under terms and conditions listed in the stipulation. If defendant violates any of the rules adopted under ORS 757.552 for a one-year period following the date of this order, the Commission may seek up to \$5,000 per violation for any new violations. Further, if the Commission determines that defendant has not complied with all the terms of the parties' stipulation and all Oregon Utility Notification Center rules for the one-year period following issuance of this order, the Commission may reopen this proceeding.

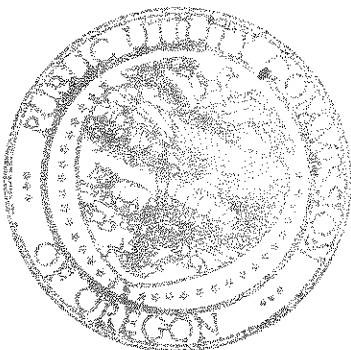
The stipulation, attached as Appendix A to this order, is adopted. We conclude that no hearing is required. Under the terms of the stipulation, the allegations of the complaint are true, and defendant has violated OAR 952-001-0070 as alleged. Under the provisions of ORS 757.993, penalties should be assessed 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 are assessed against Qwest Communications Company, LLC (a Delaware LLC), dba CenturyLink QCC, in the amount of \$1,000 for one violation of law.
3. Defendant must pay the sum of \$1,000 within 30 days from the date of service of this order, by cashier's check or money order made out to the **Public Utility Commission of Oregon**. The memo line of the cashier's check or money order must state "NC 338." Defendant must mail payment to: Public Utility Commission of Oregon, PO Box 2153, Salem, OR 97308.
4. If in the next year defendant fails to comply with any rule adopted by the Oregon Utility Notification Center or any of the terms of the stipulation attached as Appendix A, the Commission may re-open this proceeding.

Made, entered, and effective APR 17 2014.



*Jason Eisdorfer*  
**Jason Eisdorfer**  
 Director  
 Utility Program

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

NC 338

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

STIPULATION FOR ENTRY OF ORDER

v.

QWEST COMMUNICATIONS COMPANY, LCC  
(a Delaware LLC), dba CENTURYLINK QCC

Defendant.

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Assistant Attorney General, and Qwest Communications Company, LLC, dba CenturyLink QCC, Defendant, 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.

///

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

4.

The parties further agree that the Commission may enter an order assessing a civil monetary penalty against Defendant in the amount of \$1,000 under the following terms and conditions:

- A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. \$1,000 becomes due and payable on or before the 30<sup>th</sup> day following the Commission's entry of its order in this case.
- C. Payment must be by money order or company check made out to the Public Utility Commission of Oregon, and the memo line of the money order must state the "NC" docket number in the caption of this Stipulation.
- D. If Defendant fails to comply with all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period following the date of the Commission's entry of an order, the Commission may seek up to \$5,000 per violation for any new violations.
- E. In the event that Complainant contends that Defendant has not complied with all of the terms of this Stipulation and all OUNC rules for that one-year period, Complainant may reopen this proceeding. In such case, Defendant is entitled to a hearing and to be notified of the basis upon which Complainant contends that compliance has not occurred.
- F. Complainant's failure to enforce any provision of this Stipulation, or decision to waive any violation or nonperformance of this Stipulation in one instance, will not constitute a waiver by the Complainant of that provision, any other provision, or any other violation or nonperformance in another instance.

///  
///

5.

This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 26 day of March 2014.

Johanna M. Riemenschneider  
Johanna M. Riemenschneider, #990083  
Senior Assistant Attorney General  
Of Attorneys for the Public Utility Commission  
of Oregon

DATED this 7<sup>th</sup> day of April 2014.

Ron L. Trullinger  
Defendant / Representative (signature)

RON L. Trullinger  
(Print Name)