

ORDER NO. 18 373

ENTERED OCT 10 2018

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 386

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

PACIFICORP,

Defendant.

ORDER

**DISPOSITION: STIPULATION ADOPTED**

On August 29, 2018, the Public Utility Commission of Oregon filed a complaint against defendant. The complaint charged defendant with a violation of law, OAR 952-001-0070(1). Also, defendant committed the violation described in the complaint within one year from the date a prior order was issued. *See* Order No. 18-223. A penalty shall be imposed in the amount of \$1,000 for the violation alleged, and the \$1,000 penalty previously suspended in Order No. 18-223 entered against Defendant shall be reinstated, for a total penalty of \$2,000. On August 29, 2018, a copy of the complaint was served.

On September 17, 2018, the parties in these proceedings entered into a stipulation, which is attached as Appendix A. Under the terms of the stipulation, defendant admits committing the violation alleged in the complaint. Defendant also agrees to provide the Commission with a current plan or procedure (policy) that results from Defendant's internal review of its procedures for responding to notifications from the OUNC and addresses the Company's workflow for marking underground facilities investigating and troubleshooting damages to underground facilities within 60 days following the entry of a final order. 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 violated Oregon Administrative Rules 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 shall be assessed against PacifiCorp in the total amount of \$2,000, for one new violation of law (\$1,000), and the balance of the penalties (\$1,000) which is reinstated from Order No. 18-223 entered against defendant.
3. Payment of the balance of the penalties (\$2,000) 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; or
  - (b) Defendant fails to timely provide the Commission with a current plan or procedure (policy) that results from Defendant's internal review of its procedures for responding to notifications from the OUNC and addresses the Company's workflow for marking underground facilities, investigating and troubleshooting damages to underground facilities, to fulfill Order No. 18-223 and this stipulation, within 60 days following the entry of a final order. The policy must include, though it is not limited to the following:
    - 1) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;
    - 2) Identification of notifications and types of responses for marking underground facilities;
    - 3) Identification of tasks assigned to participants by title or position and their roles and responsibilities in the workflow process;
    - 4) Identification of the technology or systems and methods used throughout the policy that enables the completion of identified tasks; and
    - 5) Criteria for periodic review of the effectiveness and identification of best practices; and

4. If the defendant has not met the requirements and time periods set forth in paragraphs 3 above, the unpaid balance of the amount assessed in paragraph 2 will be due immediately following the expiration of the time periods.

Made, entered, and effective OCT 10 2018.



*Jason Eisdorfer* SE

**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 386

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

PACIFICORP,

Defendant.

STIPULATION FOR ENTRY OF FINAL  
ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Assistant Attorney General, and PacifiCorp, the Defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the Defendant with a violation of OAR 952-001-0070(1), and proposing a civil penalty of \$1,000.

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 pending 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. Payment of the civil penalty (\$1,000) is suspended and will be waived and no further penalties will be imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and 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 adopting this Stipulation. The Commission also imposed but suspended a \$1,000 civil penalty under Order No. 18-223, and the terms of that Order are incorporated by reference in this Stipulation. Accordingly, the parties have agreed to the suspension and possible waiver of total penalties of \$2,000 subject to the terms of this new Stipulation.
- C. On or before the 60<sup>th</sup> day following the Commission's entry of its order in this docket, to fulfill Order No. 18-223 and this stipulation, Defendant must provide a current plan or procedure (policy) that results from Defendant's internal review of its procedures for responding to notifications from the OUNC and addresses the Company's workflow for marking underground facilities, investigating and troubleshooting damages to underground facilities. The policy must include, though it is not limited to the following:
  - (1) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;
  - (2) Identification of notifications and types of responses for marking underground facilities;

- 1 (3) Identification of tasks assigned to participants by title or position and their roles
- 2 and responsibilities in the workflow process;
- 3 (4) Identification of the technology or systems and methods used throughout the
- 4 policy that enables the completion of identified tasks; and
- 5 (5) Criteria for periodic review of effectiveness and identification of best practices.


6 D. In the event that Complainant contends that Defendant has not complied with all of  
 7 the terms of this Stipulation and all OUNC rules for that one-year period,  
 8 Complainant may reopen this proceeding and petition for imposition of all or a  
 9 portion of the suspended penalty. In such case, Defendant is entitled to a hearing and  
 10 to be notified of the basis upon which Complainant contends that compliance has not  
 11 occurred.

12 E. Complainant's failure to enforce any provision of this Stipulation, or decision to  
 13 waive any violation or nonperformance of this Stipulation in one instance, will not  
 14 constitute a waiver by the Complainant of that provision, any other provision, or any  
 15 other violation or nonperformance in another instance.

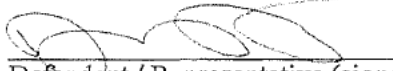
16 5.

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

19 DATED this 27 day of August 2018.

20   
 21 Johanna M. Riemenschneider, # 990083  
 22 Senior Assistant Attorney General  
 23 Of Attorneys for the Public Utility Commission  
 24 of Oregon

24 DATED this 17th day of September 2018.

25   
 26 Defendant / Representative (signature)

Dustin T. Till, Assistant General Counsel  
 (Print Name)