

ORDER NO. 19-432

ENTERED Dec 12 2019

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 393

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

ALL SEASONS WELL DRILLING, INC.,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On October 15, 2019, the Public Utility Commission of Oregon filed a complaint against defendant. The complaint charged defendant with one violation of law, OAR 952-001-0050(1), and requested a penalty of \$1,000. On October 15, 2019, a copy of the complaint was served.

On November 5, 2019, a Pipeline Safety Utility Analyst called defendant. Based on that conversation, a duplicate original stipulation was mailed to defendant on November 7, 2019.

On November 19, 2019, a Pipeline Safety Utility Analyst called defendant. Based on that conversation, another duplicate original stipulation was mailed, certified mail, return receipt requested, to defendant on December 5, 2019.

On December 2, 2019, 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 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 offered by Northwest Natural Gas Co. personnel. A review of the Commission's records indicates that defendant has completed the training session for excavation laws.

The parties further agree that 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 under ORS 757.552 for a period of one year following the date of the Commission's final order in these proceedings.

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. 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 defendant in the amount of \$1,000 for one violation of law.

3. Payment of the balance of the penalties (\$1,000) shall be suspended, unless 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 Dec 12, 2019.



A handwritten signature in blue ink, appearing to read "Michael Dougherty".

Michael Dougherty
Interim 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.

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OF OREGON**

NC 393

PUBLIC UTILITY COMMISSION OF
OREGON,

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v.

ALL SEASONS WELL DRILLING, INC.,

Defendant.

STIPULATION FOR ENTRY OF ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Senior Assistant Attorney General, and All Seasons Well Drilling, Inc. 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 952-001-0050(1).

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.

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

- 5 A. Defendant must sign and return this Stipulation within 20 days of the date it was
6 served upon (mailed to) Defendant.
- 7 B. Payment of the penalty (\$1,000) is suspended and will be waived with no further
8 penalties imposed for the violation alleged in the Complaint unless Defendant fails to
9 comply with all of the terms of this Stipulation and all of the rules adopted by the
10 Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period
11 following the date of the Commission's entry of an order.
- 12 C. Defendant must complete and return a copy of the Training Verification form
13 attached to this Stipulation as Attachment 1 to document the date and time Defendant
14 completed the OUNC training offered by Northwest Natural Gas Co. personnel.
15 Defendant must return completed Training Verification form to Complainant at the
16 address on the Form within 55 days following the date of the Commission's entry of
17 an order in this docket.
- 18 D. In the event that Complainant contends that Defendant has not complied with all of
19 the terms of this Stipulation and all OUNC rules for that one-year period,
20 Complainant may reopen this proceeding and petition for imposition of all or a
21 portion of the suspended penalties. In such case, Defendant is entitled to a notice and
22 hearing on the basis upon which Complainant contends that compliance has not
23 occurred.
- 24 E. Complainant's failure to enforce any provision of this Stipulation, or decision to
25 waive any violation or nonperformance of this Stipulation in one instance, will not
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1 constitute a waiver by the Complainant of that provision, any other provision, or any
2 other violation or nonperformance in another instance.

3 5.

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

6 DATED this 15th day of October 2019.

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

12 DATED this 2nd Dec. (per Petra McChinn 12/19/19; cw)
day of October 2019.

14 Troy L Reynolds
15 Defendant / Representative (signature)

16 Troy L Reynolds
17 (Print Name)