

ORDER NO. 20-012

ENTERED Jan 09 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 394

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

CRN EXCAVATION, INC.,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On November 18, 2019, the Public Utility Commission of Oregon filed a complaint against defendant. The complaint charged defendant with one violation of law, OAR 952-001-0090(1), and requested a penalty of \$1,000. On November 18, 2019, a copy of the complaint was served.

On December 4, 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 (i) 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, and (ii) to provide the Commission with a completed Training Verification form to verify attendance.

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 CRN EXCAVATION, INC., 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; or
 - (b) Defendant fails to timely complete a training session with the Oregon Utility Notification Center Speakers Bureau. Defendant will contact the OUNC Speakers Bureau to arrange for and ensure that all of Defendant's employees that engage in excavation activity as a part of their job duties, including but not limited to notifying the Oregon Utility Notification Center of proposed excavations, attend a training session on Oregon excavation laws within 45 days of the entry of this order; and
 - (c) Defendant fails to submit a completed Training Verification form for the required training to the Commission within 10 days of the date of the last training and no later than 55 days following the entry of this order.

4. Payment of the balance of the penalties (\$1,000) will be suspended, unless defendant fails to comply with any term of the stipulation. If the defendant has not met the requirements and time periods set forth in paragraph 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 Jan 9, 2020.



A handwritten signature in black ink, appearing to read "Michael Dougherty", written over a horizontal line.

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.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 394

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

CRN EXCAVATION, INC.,

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Sr. Assistant Attorney General, and CRN Excavation, 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 952-001-0090(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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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 with no further penalties 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.
- C. Defendant must contact the OUNC Speakers Bureau online at www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure that all of Defendant's employees that engage in excavation activity as part of their job duties, including but not limited to notifying the Oregon Utility Notification Center of proposed excavations, attend a training session on Oregon excavation laws within 45 days following the entry of the Commission's order.
- D. Defendant must take a blank copy of the Training Verification form attached to this Stipulation as Attachment 1 to document all required trainings scheduled under paragraph 4.C. above. Defendant must ensure that all of its employees attending a required training sign a Training Verification form to verify attendance. A representative of the organization providing the training (Instructor) must sign the Training Verification form to verify each person listed on the form completed the training. Defendant must return all completed Training Verification forms to Complainant at the address on the Form within 10 days of the date of the last training

1 session and in no event later than 55 days following the date of the Commission's
2 entry of an order in this docket.

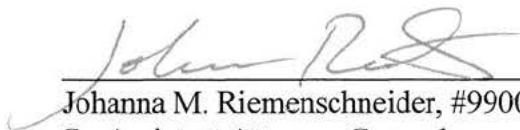
3 E. In the event that Complainant contends that Defendant has not complied with all of
4 the terms of this Stipulation and all OUNC rules for that one-year period,
5 Complainant may reopen this proceeding and petition for imposition of all or a
6 portion of the suspended penalties. In such case, Defendant is entitled to a notice and
7 hearing on the basis upon which Complainant contends that compliance has not
8 occurred.

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

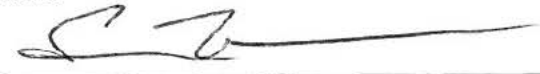
13 5.

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

16 DATED this 18 day of November 2019.

17
18 
19 _____
20 Johanna M. Riemenschneider, #990083
21 Sr. Assistant Attorney General
22 Of Attorneys for the Public Utility Commission
23 of Oregon

24 DATED this 4 day of December 2019.

25 
26 _____
27 Representative for Defendant (signature)
28 Clayton Nielsen
29 (Print name)