

ORDER NO. 21-334

ENTERED Oct 21 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 395

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On January 8, 2021, the Public Utility Commission of Oregon filed a complaint against defendant. The complaint charged defendant with one violation of law, OAR 952-001-0070(1)(a), and requested a penalty of \$5,000. On January 8, 2021, a copy of the complaint was served.

On August 12, 2021, the parties to these proceedings entered into a Stipulation For Entry of Final Order, which is attached as Appendix A.

Under the terms of the stipulation, defendant does not admit that the pending violation was committed as alleged in the Complaint, but in recognition of the fact that PGE could have sought further clarification from the excavator in the absence of any excavation markings, and in the interest of bringing this matter to a close, PGE agrees the Commission may enter an order finding that a violation of OAR 952-001-0070(1)(a) was committed by PGE.

Defendant also agrees to provide the Commission with a revised plan or procedure (policy) that identifies the workflow for locating and marking underground facilities,

investigating and troubleshooting damages to underground facilities, within 30 days following the entry of a final order.

The parties further agree that a portion of 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 30-day period 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 For Entry of Final Order, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Portland General Electric Company in the amount of \$5,000 for one violation of law.
3. 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 made out to the **Public Utility Commission of Oregon**, and the memo line of the money order or company check must 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.)
4. Defendant must timely provide the Commission with a revised plan or procedure (policy) that identifies the workflow for locating and marking underground facilities, investigating and troubleshooting damages to underground facilities. The policy may be consistent with the policy provided on August 18, 2018 in Docket NC 383, under Commission Order No. 18-222, but must include, though it is not limited to, the following:
 - (a) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;

ORDER NO. 21-334

- (b) Identification of the means and systematic process of receiving, recording and dispatching all Notification information as collected by the OUNC's one-call vendor;
 - (c) Identification of the means to ensure Notification management software is compatible in order to receive all Notification information administered by the OUNC's one-call vendor;
 - (d) Identification of the notifications and types of responses for marking underground facilities;
 - (e) Identification of the tasks assigned to participants by title or position and their roles and responsibilities in the workflow process;
 - (f) Identification of the technology or systems and methods used throughout the policy that enables the completion of identified tasks; and
 - (g) Establish criteria for periodic review of effectiveness and identification of best practices.
5. Payment of the balance of the penalties (\$4,000) shall be suspended, unless:
- (a) Defendant fails to comply with paragraphs 3 and 4 above; or
 - (b) A showing is made that defendant has violated, within a 30-day period of the date of this order, any rules administered by the Oregon Utility Notification Center.
6. If defendant has not paid the amount assessed in paragraph 3 above within 30 days from the date of service of this order, the unpaid balance of the amount assessed in paragraph 2 shall be immediately due.

Made, entered, and effective Oct 21, 2021.



A handwritten signature in blue ink, appearing to read "Nolan Moser".

Nolan Moser
Chief Administrative Law Judge
Administrative Hearings Division

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 395

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

STIPULATION FOR ENTRY OF
FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Senior Assistant Attorney General, and Portland General Electric Company, 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)(a), and proposing a civil penalty of \$5,000.

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 does not admit that the pending violation was committed as alleged in the Complaint, but in recognition of the fact that PGE could have sought further clarification from the excavator in the absence of any excavation markings, and in the interest of bringing this matter to a close, PGE agrees the Commission may enter an order finding that a violation of OAR 952-001-0070(1)(a) was committed by PGE.

///

4.

The parties further agree that the Commission may enter an order assessing a civil monetary penalty against Defendant in the amount of \$5,000 under the following terms and conditions:

- A. Defendant must sign and return this Stipulation within 20 days of the date it is finalized and served upon (mailed to) Defendant.
- B. A \$1,000 civil penalty becomes due and payable on or before the 30th day following the Commission's entry of its order in this docket.
- C. Payment must be by **money order** made out to the **Public Utility Commission of Oregon**, and the **memo line of the money order must state the "NC" docket number** for this docket in the caption of this Stipulation.
- D. Payment of the remaining civil penalties (\$4,000) is suspended and will be waived and no further penalties will be imposed by the Commission against PGE at this time for the violation of OAR 952-001-0070(1)(a). If 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 30-day period following the date of the Commission's entry of an order, then payment of the remaining civil penalty (\$4,000) will become due, in addition to any other applicable penalties for the subsequent violation.
- E. On or before the 30th day following the Commission's entry of its order in this docket, Defendant must provide a revised plan or procedure (policy) that identifies the workflow for locating and marking underground facilities, investigating and troubleshooting damages to underground facilities. The policy may be consistent with the policy provided on August 18, 2018 in Docket NC 383, under Commission Order No. 18-222, but 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 the means and systematic process of receiving, recording and dispatching all Notification information as collected by the OUNC's one-call vendor;
 - (3) Identification of the means to ensure Notification management software is compatible in order to receive all Notification information administered by the OUNC's one-call vendor;
 - (4) Identification of the notifications and types of responses for marking underground facilities;
 - (5) Identification of the tasks assigned to participants by title or position and their roles and responsibilities in the workflow process;
 - (6) Identification of the technology or systems and methods used throughout the policy that enables the completion of identified tasks; and
 - (7) Establish criteria for periodic review of effectiveness and identification of best practices.
- F. 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 30-day period, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalty. 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.
- G. 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 30th day of July 2021.

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

DATED this Aug 12, 2021


Larry Bekkedahl (Aug 12, 2021 11:04 PDT)
Defendant / Representative (signature)
Larry Bekkedahl
(Print Name)

clc
clc