

ORDER NO. 22-306

ENTERED Aug 23 2022

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 402

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

TRADEMARK LANDSCAPES, INC.,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On July 14, 2022, 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 \$1,000.00. On July 14, 2022, a copy of the complaint was served.

On July 20, 2022, 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 update its company policy and procedures for giving notice of an excavation to the OUNC, including but not limited to registering with the OUNC's ITICnxt provider, and reviewing tool resource information.

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 TRADEMARK LANDSCAPES, INC., in the amount of \$1,000.00 for one violation of law.
3. Payment of the penalties (\$1,000.00) 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 update its company policy and procedures for giving notice of an excavation to the OUNC, including but not limited to registering with the OUNC's ITICnxt provider, contacting the OUNC's provider to register at this email address: nwitic@occinc.com, and reviewing tool resource information at <http://or.tryitic.com>.

4. Payment of the balance of the penalties (\$1,000.00) 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 Aug 23, 2022.



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 402

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

TRADEMARK LANDSCAPES, 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 Trademark Landscapes, 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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4.

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

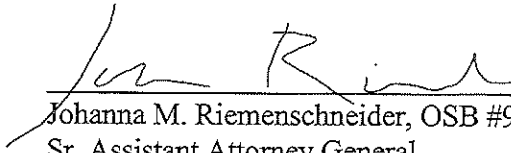
- A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. Payment of the penalty (\$1,000) is suspended and will be waived with no further penalties imposed for the violation alleged in the Complaint unless Defendant fails to comply 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 update company policy and procedures for giving notice of an excavation to the OUNC. This includes but is not limited to registering with the OUNC's ITICnxt provider. Defendant shall contact the OUNC's provider to register at this email: nwitic@occinc.com. This also includes reviewing tool resource information at <http://or.tryitic.com>.
- D. 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 and petition for imposition of all or a portion of the suspended penalties. In such case, Defendant is entitled to a notice and hearing on the basis upon which Complainant contends that compliance has not occurred.
- E. 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.

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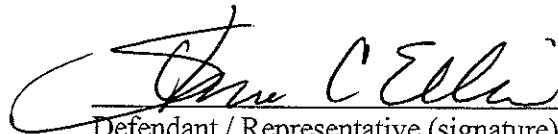
This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 14th day of July 2022.



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

DATED this 20 day of July 2022.



Defendant / Representative (signature)
Steve C. Ellis

(Print Name)