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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

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PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
VIC RUSSELL CONSTRUCTION,)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On August 30, 1999, a complaint was filed by the Public Utility Commission of Oregon against defendant. The complaint charged defendant with one violation of law and requested a penalty of \$500. On August 31, 1999, a copy of the complaint was served.

On August 31, 1999, the parties to this proceeding entered into a stipulation which is attached as Appendix A and is incorporated by reference.

The defendant admits committing the violation alleged in the complaint. The stipulation is approved.

From the foregoing, it is concluded that no hearing is required; that, under the terms of the stipulation, the allegations of the complaint are true; that defendant has violated Oregon Administrative Rule(s) as alleged; and that, pursuant to 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. Civil monetary penalties shall be assessed against defendant in the amount of \$500; and
2. Defendant shall pay the sum of \$100, due and payable within 30 days from the date of service of this order; and
3. Payment of the balance of the penalties (\$400) shall be suspended for a period of one year following entry of this order.

Made, entered, and effective _____.

Ron Eachus
Chairman

Roger Hamilton
Commissioner

Joan H. Smith
Commissioner

Under ORS 756.580, a party may petition the circuit court for judicial review of this order.

APPENDIX A

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

VIC RUSSELL CONSTRUCTION,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham, Assistant Attorney General, and Vic Russell Construction, 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, as set out in the attached Complaint on file herein.

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 it committed the violations alleged in the Complaint and is willing for the Commission to enter an order finding that those violation(s) were committed as alleged in the Complaint.

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4 The parties further agree that the Commission may enter an order assessing civil
5 monetary penalties against the defendant in the amount of \$500 under the following terms and
6 conditions:

7 A. \$100 shall become due and payable on or before the thirteenth day following the
8 Commission’s entry of a final order in this case.

9 B. Payment of the balance of the penalties (\$400) shall be suspended for a period of
10 one year following the entry of the Commission’s final order in this case.

11 C. If defendant complies with all of the following conditions and the rules adopted
12 by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for that
13 one year period, the balance of the penalties (\$400) shall be dismissed and no
14 further penalties shall be imposed for the violations alleged in the Complaint.

15 Conditions:

- 16 1. The defendant shall borrow from the library at the One Call Center a
17 tape from the “Digging Dangerously” series and shall play it at a
18 regularly scheduled safety meeting.
- 19 2. The defendant shall obtain copies of the OUNC Standards Manual and
20 distribute it and wallet cards to its employees.
- 21 3. The defendant shall notify the Oregon Public Utility Commission in
22 writing, to the attention of Jack Dent, Utility Program, that the safety
23 meeting occurred and that the materials in 2. above were distributed.

21 D. In the event that complainant contends that the defendant has not complied with
22 all the conditions above or OUNC rules for that one year period, complainant may
23 reopen this proceeding and petition for imposition of all or a portion of the

1 suspended penalties. In such case defendant shall be entitled to a hearing and to
2 be notified of the basis upon which complainant contends that compliance has not
3 occurred.

4 5.

5 This stipulation is conditioned upon final approval of its terms by the
6 Commission. If the stipulation is not accepted in its entirety, it shall be deemed
7 withdrawn.

8 DATED this _____ day of January 2000.

9

10 _____
11 Paul A. Graham, OSB #77190
12 Assistant Attorney General
13 Of Attorneys for PUC Staff

14 DATED this _____ day of August, 1999.

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16 _____
17 Representative for Defendant

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