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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

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PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
RIVERLAND EXCAVATING, INC., (an)
Idaho Corporation,)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On October 14, 1999, a complaint was filed by the Public Utility Commission of Oregon against defendant. The complaint charged defendant with two violations of law and requested monetary penalties in the amount of \$6,000. On October 18, 1999, a copy of the complaint was served.

On October 22, 1999, the parties to this proceeding entered into a stipulation which is attached.

The defendant admits committing the violations 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 \$6,000; and
2. Defendant shall pay the sum of \$3,000, payable in three payments of \$1,000 each, with the final payment due not later than March 1, 2000; and
3. Payment of the balance of the penalties (\$3,000) shall be suspended for a period of three years following entry of this order, pursuant to the stipulation.

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.

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The parties further agree that the Commission may enter an order assessing civil monetary penalties against the defendant in the amount of \$6,000 under the following terms and conditions:

A. With respect to the violation of OAR 952-001-0050(1), \$500 shall become due and payable according to the terms in C. below. Payment of the balance of the penalties (\$500) shall be suspended for a period of three years following the entry of the Commission’s final order in this case. If defendant complies with all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for that three year period, the balance of the penalties (\$500) shall be dismissed and no further penalties shall be imposed for the violations alleged in the Complaint.

B. For violation of OAR 952-001-0090, \$2,500 shall become due and payable according to the terms in C. below. If defendant complies with all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for that three year period, the balance of the penalties (\$2,500) shall be dismissed and no further penalties shall be imposed for the violations alleged in the Complaint.

C. The penalties that are due and payable in A. and B. above may be paid in three (3) payments of \$1,000 each, with the final payment due not later than March 1, 2000.

D. In the event that complainant contends that the defendant has not complied with all OUNC rules for that three year period, complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties, plus any penalties for further

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

3 E. Within thirty (30) days of the final Commission order, Riverland Excavating must contact
4 Gary Hyatt, Chairman of the Oregon Utility Notification Center Speakers Bureau, at (503)
5 585-6611 Ext. 8166, to schedule a presentation of Oregon's Excavation Law requirements.

6 All supervisors of Riverland Excavating shall attend the training. Training must be
7 completed by April 15, 2000.

8 F. Within thirty (30) days of the final Commission order, Riverland Excavating must contact
9 Mike Wolfe, Safety Supervfor Cascade Natural Gas Corporation at (541) 382-6464 to
10 schedule a gas safety training seminar. All supervisors of Riverland Excavating shall attend
11 the training. Training must be completed by April 15, 2000.

12 G. Written documentation verifying that training has been accomplished, as required under E.
13 and F. above, must be furnished to:

14 Oregon Public Utility Commission
15 Attention: Jack P. Dent
16 Utility Safety & Reliability
550 Capitol St. NE, Suite 215
Salem, OR 97310

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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 shall be deemed withdrawn.

DATED this _____ day of November 1999.

Paul A. Graham, OSB #77190
Assistant Attorney General
Of Attorneys for PUC Staff

DATED this _____ day of October, 1999.

Representative for Defendant