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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

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PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
DAVE DE ROEST, dba DE ROEST)
CONTRACTING,)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On August 31, 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 a penalty of \$1,000. On August 31, 1999, a copy of the complaint was served. Subsequently it was discovered that the service address was incorrect. The complaint was served to the correct address on October 8, 1999.

On November 18, 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 \$1,000; and
2. Defendant shall pay the sum of \$600, 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.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

DAVE DE ROEST, dba DE ROEST
EXCAVATING and CONTRACTING,

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and Dave De Roest, the defendant herein, hereby stipulate as
follows:

1.

A Complaint in this case is pending before the Commission charging the defendant with
two violations 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 he committed the violation(s) 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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3 The parties further agree that the Commission may enter an order assessing civil
4 monetary penalties against the defendant in the amount of \$1000 under the following terms and
5 conditions:

6 A. With respect to the violation of OAR 952-001-0050(1), \$100 shall become due and payable
7 on or before the thirteenth day following the Commission’s entry of a final order in this case.
8 Payment of the balance of the penalties (\$400) shall be suspended for a period of one year
9 following the entry of the Commission’s final order in this case. If defendant complies with
10 all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS
11 757.552 for that one year period, the balance of the penalties (\$400) shall be dismissed and
12 no further penalties shall be imposed for the violations alleged in the Complaint.

13 B. With respect to the violation of OAR 952-001-0090, \$500 shall become due and payable on
14 or before the thirteenth day following the Commission’s entry of a final order in this case.

15 C. In the event that complainant contends that the defendant has not complied with all OUNC
16 rules for that one year period, complainant may reopen this proceeding and petition for
17 imposition of all or a portion of the suspended penalties. In such case defendant shall be
18 entitled to a hearing and to be notified of the basis upon which complainant contends that
19 compliance has not occurred.

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23 5.

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

4 DATED this _____ day of December 1999.

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

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DATED this _____ day of August, 1999.

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Representative for Defendant

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