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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

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PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
B & R EXCAVATING, INC. (an Oregon)
Corporation),)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On October 29, 2001, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law and requested a penalty of \$1,000. On November 9, 2001, a copy of the complaint was served.

On November 27, 2001, the parties to this proceeding entered into a stipulation, which is attached and incorporated by reference.

Defendant admits committing the violation alleged in the complaint. 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(s) as alleged. 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 \$200, due and payable within 30 days from the date of service of this order; and
3. Payment of the balance of the penalties (\$800) shall be suspended for a period of one year following entry of this order; and
4. Within 45 days following entry of this Order, Defendant shall arrange for a training session on Oregon excavation laws by contacting the Oregon Utility Notification Center (OUNC) Speakers Bureau.
5. Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties if Defendant has not complied with all OUNC rules for a period of one year following entry of this order.

Made, entered, and effective _____.

Phil Nyegaard
Acting Director
Utility Program

A party may request rehearing or reconsideration of this order pursuant to 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 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to ORS 756.580.