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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 28

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
KEETON-KING CONSTRUCTION, INC.)
(An Oregon Corporation),)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On November 20, 2000, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with two violations of law and requested a penalty of \$2,000. On November 20, 2000, a copy of the complaint was served.

On November 27, 2000, 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 \$2,000; and
2. Defendant shall pay the sum of \$700, due and payable within 30 days from the date of service of this order; and
3. Payment of the balance of the penalties (\$1,300) 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.

Made, entered, and effective _____.

William G. Warren
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.

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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 \$2,000 under the following terms and conditions:

A. With respect to the violation occurring on May 4, 2000, \$200 shall become due and payable on or before the 30th day following the Commission’s entry of a final order in this case. Payment of the balance of the penalties (\$800) shall be suspended for a period of one year 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 one year period, the suspended penalties (\$800) shall be dismissed and no further penalties shall be imposed for the violation(s) alleged in the Complaint.

B. With respect to the violation occurring on June 16, 2000, \$500 shall become due and payable on or before the 30th day following the Commission’s entry of a final order in this case. Payment of the balance of the penalties (\$500) shall be suspended for a period of one year 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 one year period, the suspended penalties (\$500) shall be dismissed and no further penalties shall be imposed for the violation(s) alleged in the Complaint.

C. In the event that complainant contends that the defendant has not complied with 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 shall be entitled to a hearing and to be notified of the basis upon which complainant contends that compliance has not occurred.

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3 D. Within 45 days following entry of the Commission’s final order, defendant shall
4 arrange for a training session on Oregon excavation laws by contacting the OUNC
5 Speakers Bureau.

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

9 DATED this _____ day of _____, 2000.

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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 _____, 2000.

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Representative for Defendant

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