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**BEFORE THE PUBLIC UTILITY COMMISSION**  
**OF OREGON**

NC 39

PUBLIC UTILITY COMMISSION OF )  
OREGON, )  
 )  
Complainant, )  
 )  
v. )  
 )  
OCEAN PACIFIC EXCAVATING (a )  
Limited Liability Corporation), )  
 )  
Defendant. )

ORDER

**DISPOSITION: STIPULATION ADOPTED**

On March 6, 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 March 13, 2001, a copy of the complaint was served.

On March 26, 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 \$500, due and payable within 30 days from the date of service of this order; and
3. Payment of the balance of the penalties (\$500) 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 \_\_\_\_\_.

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**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.

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 NC 39

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 OCEAN PACIFIC EXCAVATION (a  
9 Limited Liability Corporation),

10 Defendant.

STIPULATION FOR ENTRY OF FINAL  
ORDER

11 The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,  
12 Assistant Attorney General, and Ocean Pacific Excavation, the defendant herein, hereby stipulate  
13 as follows:

14 1.

15 A Complaint in this case is pending before the Commission charging the defendant with  
16 one violation of law, as set out in the attached Complaint on file herein.

17 2.

18 Both parties to this proceeding are willing to forego further processing of that Complaint  
19 and further are willing to resolve this matter on the basis of this stipulation.

20 3.

21 The defendant admits that the violation was committed as alleged in the Complaint and is  
22 willing for the Commission to enter an order finding that the violation was committed as alleged  
23 in the Complaint.

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1 4.

2 The parties further agree that the Commission may enter an order assessing civil monetary  
3 penalties against the defendant in the amount of \$1,000 under the following terms and  
4 conditions:

5 A. \$500 shall become due and payable on or before the 30th day following the Commission's  
6 entry of a final order in this case. Payment shall be by cashier's check or money order made  
7 out to the **Public Utility Commission of Oregon**, and the memo line of the cashier's check  
8 or money order shall state the "NC" docket number which is in the caption of this stipulation.  
9 Payment of the balance of the penalties (\$500) shall be suspended for a period of one year  
10 following the entry of the Commission's final order in this case. If defendant complies with  
11 all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS  
12 757.552 for that one year period, the suspended penalties (\$500) shall be dismissed and no  
13 further penalties shall be imposed for the violation alleged in the Complaint.

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

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26 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 \_\_\_\_\_, 2001.

5  
6  
7 \_\_\_\_\_  
8 Paul A. Graham, OSB #77190  
9 Assistant Attorney General  
10 Of Attorneys for PUC Staff

11 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

12 \_\_\_\_\_  
13 Representative for Defendant  
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