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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 92

PUBLIC UTILITY COMMISSION OF)	
OREGON,)	
)	
Complainant,)	ORDER
)	
v.)	
)	
HICKS STRIPING & CURBING, INC.)	
(an Oregon corporation),)	
)	
Defendant.)	

DISPOSITION: ORDER NO. 03-750 RESCINDED;
STIPULATION ADOPTED

On September 30, 2003, the Public Utility Commission of Oregon (Commission) filed a complaint against Defendant. The complaint charged Defendant with one violation of law and requested a penalty of \$1,000. On October 14, 2003, a copy of the complaint was served. Defendant failed to file an answer or otherwise plead or appear within the 20 days after service of the complaint and on December 17, 2003, the Commission entered a default order, Order No. 03-750, and assessed monetary penalties against Defendant.

On December 31, 2003, the Defendant filed an executed Stipulation together with a Cashier's check in the amount of \$200. Defendant admits committing the violation alleged in the complaint.

In this instance, Defendant did not sign and return the Stipulation at the appropriate time. However, he believed that an agreement had been reached, and he had begun satisfaction of the Stipulation by filing the executed Stipulation and delivering a \$200 Cashier's check to the Commission. He is also prepared to complete the terms of the Stipulation by scheduling his attendance in an awareness class.

The Commission acknowledges payment and adopts the Stipulation entered into by the parties to this proceeding, which is attached as Appendix A. Under the circumstances, Order No. 03-750 should be rescinded pursuant to ORS 756.568. We further order Defendant to complete the unsatisfied terms of the stipulation by attending a training session on Oregon excavation laws with the Oregon Utility Notification Center Speakers Bureau, as specified in Paragraph 4C. of the Stipulation.

ORDER

IT IS ORDERED that:

1. Civil monetary penalties shall be assessed against Defendant in the amount of \$1,000 for one violation of law. Pursuant to the Stipulation, Defendant has paid the sum of \$200.
2. Defendant must complete the unsatisfied terms of the Stipulation by attending a training session on Oregon excavation laws with the Oregon Utility Notification Center Speakers Bureau, as specified in Paragraph 4C. of the Stipulation.
3. Payment of the balance of the penalties (\$800) shall be suspended, unless Defendant fails to comply with paragraph 2 above or a showing is made that Defendant has violated, within one year of the date of this order, any rules administered by the Oregon Utility Notification Center.
4. Order No. 03-750 is rescinded.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

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 applicable law.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

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NC 92

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

HICKS STRIPING & CURBING (an Oregon corporation),

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham, Assistant Attorney General, and Hicks Striping & Curbing, Inc., the defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the defendant with one violation 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 the violation was committed as alleged in the Complaint and is willing for the Commission to enter an order finding that the violation was committed as alleged in the Complaint.

4.

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

- 1 A. \$200 shall become due and payable on or before the 30th day following the
2 Commission's entry of a final order in this case.
- 3 B. Payment shall be by cashier's check or money order made out to the **Public Utility**
4 **Commission of Oregon**, and the *memo line of the cashier's check or money order shall*
5 *state the "NC" docket number* in the caption of this stipulation. Payment of the balance
6 of the penalties (\$800) shall be permanently suspended and no further penalties shall be
7 imposed for the violation alleged in the Complaint unless defendant fails to comply with
8 all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS
9 757.552 for a one year period following date of the Commission's entry of a final order.
- 10 C. Defendant shall contact the OUNC Speakers Bureau at **(503) 232-1987** to arrange
11 for and attend a training session on Oregon excavation laws within 45 days following the
12 execution of this Stipulation.
- 13 D. In the event that complainant contends that the defendant has not complied with all
14 OUNC rules for that one year period, complainant may reopen this proceeding and
15 petition for imposition of all or a portion of the suspended penalties. In such case
16 defendant shall be entitled to a hearing and to be notified of the basis upon which
17 complainant contends that compliance has not occurred.

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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 _____, 2003.

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

10 DATED this _____ day of _____, 2003.

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12 _____
13 Representative for Defendant
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