

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 123

PUBLIC UTILITY COMMISSION OF )  
OREGON, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 CITY OF PORTLAND, )  
 )  
 Defendant. )

ORDER

**DISPOSITION: STIPULATION ADOPTED**

On December 22, 2004, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law. On December 29, 2004, a copy of the complaint was served.

On January 3, 2005, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

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.

Defendant has completed a training session on Oregon excavation laws with the Oregon Utility Notification Center Speakers Bureau, as specified in Paragraph 4A of the Stipulation.

**ORDER**

IT IS ORDERED that:

1. The Compliant shall be dismissed, unless Defendant has violated, within one year of the date of this order, any rules administered by the Oregon Utility Notification Center.

Made, entered, and effective MAR 04 2005.



*Lee Sparling*

**Lee Sparling**  
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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JAN 11 2005

Public Utility Commission of Oregon  
Administrative Hearings Division

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

NC 123

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

CITY OF PORTLAND,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham, Assistant Attorney General, and The City of Portland, 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.

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 Commission agrees to dismiss the Complaint against the defendant under the following conditions:

DOCKETED

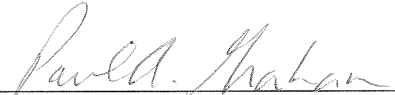
1 A. Defendant shall contact the OUNC Speakers Bureau at (503) 232-1987 to arrange for a  
2 training session for the entire City of Portland Water Division on Oregon excavation laws  
3 within 45 days following the execution of this Stipulation.

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

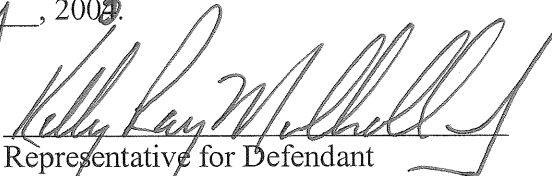
9 5.

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

12  
13 DATED this 22<sup>nd</sup> day of December, 2004.

14  
15   
16 Paul A. Graham, OSB #77190  
17 Assistant Attorney General  
Of Attorneys for PUC Staff

18 DATED this 3<sup>rd</sup> day of January, 2005.

19  
20   
21 Representative for Defendant