

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 169

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
NEW TECHNOLOGY ELECTRICAL)
CONTRACTORS, INC. (an Oregon)
corporation), dba NEW TECH ELECTRIC, INC.)
)
Defendant.)

ORDER

**DISPOSITION: ORDER NO. 06-071 RESCINDED;
STIPULATION ADOPTED**

On December 13, 2005, the Public Utility Commission of Oregon (Commission) filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-001-0050, and requested a penalty of \$1,000. On December 16, 2005, a copy of the complaint was served. Defendant failed to file an answer or otherwise plead or appear within 20 days after service of the complaint. On February 16, 2006, the Commission entered a default order, Order No. 06-071, and assessed monetary penalties against Defendant.

On March 3, 2006, Defendant had a telephone conversation with Michael Thompson, Chief of Pipeline Safety, stating that he had only received the Stipulation during the first week in March, 2006.

On March 7, 2006, the Defendant filed a letter together with an executed Stipulation. Defendant admits committing the violation alleged in the complaint. Defendant is also prepared to complete the terms of the stipulation and has scheduled his attendance in a training session with the Oregon Utility Notification Center Speakers Bureau on Oregon excavation laws.

The Commission adopts the Stipulation entered into by the parties to this proceeding, which is attached as Appendix A. Under the circumstances, Order No. 06-071 should be rescinded pursuant to ORS 756.568.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, within 45 days of the entry of a final order.

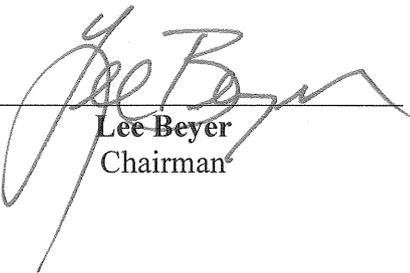
ORDER

IT IS ORDERED that:

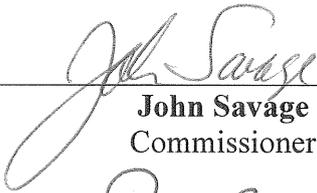
1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against New Technology Electrical Contractors, Inc. (an Oregon corporation), dba New Tech Electric, Inc., in the amount of \$1,000 for one violation of law.
3. Defendant shall pay the sum of \$200, due and payable within 30 days from the date of service of this order. Payment shall be by cashier's check or money order made out to the **Public Utility Commission of Oregon**, and the memo line of the cashier's check or money order shall state the "NC" docket number in the caption of this order. (Mail payment to: Public Utility Commission of Oregon, PO Box 2153, Salem, OR 97308.)
4. Payment of the balance of the penalties (\$800) shall be suspended, unless:
 - (a) Defendant fails to comply with paragraph 3 above; or
 - (b) 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; or
 - (c) Defendant fails to timely complete a training session with the Oregon Utility Notification Center Speakers Bureau. Defendant shall contact the OUNC Speakers Bureau to arrange for, and attend a training session on Oregon excavation laws within 45 days of the entry of this order.

5. If Defendant has not paid the amount assessed in paragraph 3 above within 30 days from the date of service of this order, or has not timely completed a training session on Oregon excavation laws within 45 days following the entry of this order, the unpaid balance of the amount assessed in paragraph 2 shall be due immediately following the expiration of either time period.
6. Order No. 06-071 is rescinded.

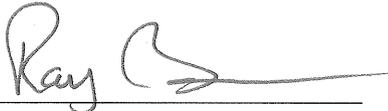
Made, entered, and effective MAR 16 2006.



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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

RECEIVED

MAR 07 2006

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

Public Utility Commission of Oregon
Administrative Hearing Division

NC 169

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

NEW TECHNOLOGY ELECTRICAL
CONTRACTORS, INC. (an Oregon corporation),
dba NEW TECH ELECTRIC, INC.,

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and New Tech Electric, 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, OAR 952-001-0050.

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.

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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:

- A. \$200 shall become due and payable on or before the 30th day following the Commission’s entry of a final order in this case.
- B. Payment shall be by cashier’s check or money order made out to the Public Utility Commission of Oregon, and the memo line of the cashier’s check or money order shall state the “NC” docket number in the caption of this stipulation. Payment of the balance of the penalties (\$800) shall be permanently suspended and no further penalties shall be imposed for the violation alleged in the Complaint unless defendant fails to comply with all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one year period following date of the Commission’s entry of a final order.
- C. Defendant shall contact the OUNC Speakers Bureau at **(503) 232-1987** to arrange for and the entire company shall attend a training session on Oregon excavation laws within 45 days following the execution of this Stipulation.
- D. 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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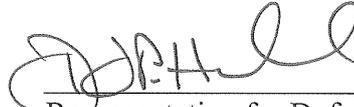
This stipulation is conditioned upon final approval of its terms by the Commission. If the stipulation is not accepted in its entirety, it shall be deemed withdrawn.

DATED this 13th day of December, 2005.



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

DATED this 3rd day of March, 2006.



Representative for Defendant