

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 189

PUBLIC UTILITY COMMISSION OF OREGON,)	
)	
)	
Complainant,)	ORDER
)	
v.)	
)	
RONALD P. TYRRELL, dba RON TYRRELL LIMITED LIABILITY COMPANY,)	
)	
)	
Defendant.)	

**DISPOSITION: ORDER NO. 06-505 RESCINDED;
STIPULATION ADOPTED**

On July 26, 2006, 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 July 26, 2006, a copy of the complaint was served together with a proposed Stipulation. Defendant failed to file an answer or otherwise plead or appear within 20 days after service of the complaint. On August 29, 2006, the Commission entered a default order, Order No. 06-505 and assessed monetary penalties against Defendant.

In September 2006, Defendant had a telephone conversation with Assistant Attorney General Paul Graham stating that he had not received the proposed Stipulation, and would sign another Stipulation. Based on that conversation, on October 10, 2006, Administrative Specialist Cheryl Walker mailed a duplicate original Stipulation to Defendant to sign and return to the Commission.

On October 25, 2006, the Defendant filed an executed Stipulation. Defendant admits committing the violation alleged in the complaint.

In this instance, the original Stipulation was lost in the mail. However, the Stipulation has now been received. The Commission adopts the Stipulation entered into by the parties to this proceeding, which is attached as Appendix A. Under the circumstances, Order No. 06-505 should be rescinded pursuant to ORS 756.568.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, and by paying civil monetary penalties as set forth below.

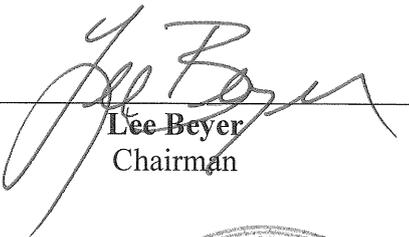
ORDER

IT IS ORDERED that:

1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Ronald P. Tyrrell, dba Ron Tyrrell Limited Liability Company 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. 06-505 is rescinded.

Made, entered, and effective OCT 31 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.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

RECEIVED

OCT 25 2006

Public Utility Commission of Oregon
Administrative Hearing Division

NC 189

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

RONALD P. TYRRELL, dba RON TYRRELL
LIMITED LIABILITY COMPANY,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and Ronald P. Tyrrell, 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.

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:

DOCKETED

- 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 for and
11 attend a training session on Oregon excavation laws within 45 days following the entry of
12 a final order.
- 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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5.

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 9th day of October, 2006.

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

DATED this 24 day of October, 2006.

[Signature]
Representative for Defendant