

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 248

PUBLIC UTILITY COMMISSION OF	)
OREGON,	)
	)
Complainant,	)
	)
v.	)
	)
SERVICE PRO PLUMBING, INC. (a	)
Washington corporation,	)
	)
Defendant.	)

ORDER

**DISPOSITION: MONETARY PENALTIES ASSESSED**

On July 21, 2008, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-001-0050, for failing to notify the Oregon Utility Notification Center of a proposed excavation prior to excavating.

Defendant was notified in the complaint, served on July 21, 2008, that failure to answer or otherwise appear within 20 days after service would be deemed a default. Furthermore, all material allegations of the complaint would be deemed admitted, hearing waived, penalties imposed, and the matter disposed of by appropriate order without further notice.

On September 19, 2008, a Pipeline Safety Utility Analyst (Staff) called Defendant. Based on that conversation, a duplicate original Stipulation was mailed to Defendant on September 22, 2008. On October 14, 2008, Staff placed a follow-up call, and was informed that Defendant was out-of-town.

On November 4, 2008, Staff talked with Defendant, and verified his address. Based on that conversation, a second duplicate original Stipulation was mailed certified mail, return receipt requested, to Defendant. The Commission received the signed return receipt on November 26, 2008, acknowledging Defendant's receipt of the second duplicate original Stipulation. To date, Defendant failed to file an answer or otherwise plead or appear within the time specified.

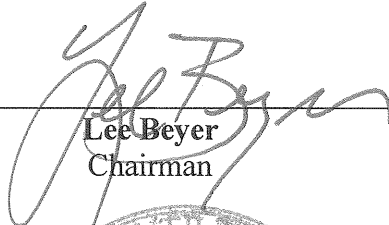
From the foregoing, it is concluded that Defendant is in default, all material allegations of the complaint are deemed admitted, hearing waived, and that, pursuant to ORS 757.993, civil monetary penalties should be assessed against Defendant in the amount of \$1,000.

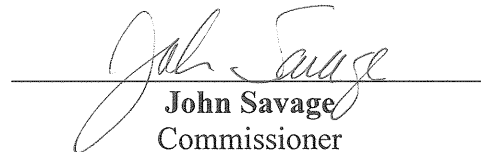
**ORDER**

IT IS ORDERED that:

1. Civil monetary penalties in the amount of \$1,000 are assessed against Service Pro Plumbing, Inc. (a Washington corporation).
2. Defendant shall pay the sum of \$1,000, 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.)

Made, entered, and effective MAR 23 2009.

  
\_\_\_\_\_  
**Lee Beyer**  
Chairman

  
\_\_\_\_\_  
**John Savage**  
Commissioner

  
\_\_\_\_\_  
**Ray Baum**  
Commissioner



Petition for Mitigation Under ORS 757.993(5), you may request reduction of penalties ordered by filing a Petition for Mitigation with the Commission within 15 days of the date of service of this order.

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.