

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 275

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

QWEST CORPORATION, (a Colorado
corporation),

Defendant.

ORDER

DISPOSITION: AMENDED STIPULATION ADOPTED

On August 28, 2009, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-001-0080, and requested a penalty of \$1,000. On September 1, 2009, a copy of the complaint was served.

On September 24, 2009, Complainant mailed an Amended Stipulation For Entry of Final Order (stipulation) to Defendant. On September 28, 2009, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, Defendant admits that the violation was committed as alleged in the Complaint and agrees that the Commission may enter an order assessing civil monetary penalties. Defendant contends that the violation was the result of actions by a third party contractor, but accepts responsibility for payment of the fines as an operator subject to OAR 952-001-0070.

The parties further agree that a portion of the penalties should be suspended, unless Defendant fails to comply with any provision of the stipulation or violates any rule adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a period of one year following the date of the Commission's final order in this proceeding.

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. Pursuant to the provisions of ORS 757.993, penalties should be assessed against Defendant under the terms and conditions of the stipulation.

ORDER

IT IS ORDERED that:

1. The Amended Stipulation For Entry of Final Order, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Qwest Corporation (a Colorado corporation) 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 money order or company check made out to the **Public Utility Commission of Oregon**, and the memo line of the money order or company check 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.

- 5. If Defendant has not paid the amount assessed in paragraph 3 above within 30 days from the date of service of this order, the unpaid balance of the amount assessed in paragraph 2 shall be immediately due.

Made, entered, and effective OCT 07 2009.



A handwritten signature in black ink, appearing to read "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 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

NC 275

RECEIVED

SEP 29 2009

Public Utility Commission of Oregon
Administrative Hearing Division

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

QWEST CORPORATION, (a Colorado corporation),

Defendant.

AMENDED STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham, Assistant Attorney General, and Qwest Corporation, 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 952-001-0080.

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.

Although the defendant admits that the violation was committed as alleged in the Complaint, the defendant contends that the violation was the result of actions by a third party contractor, and not by the defendant. Nevertheless, the defendant admits that it bears responsibility, and thus it is willing for the Commission to enter an order finding that the violation was committed as alleged in the Complaint.

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DOCKETED

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 money order or company check made out to the **Public Utility Commission of Oregon**, and the memo line of the money order or company check 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. 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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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 24th day of September, 2009.

Paul A. Graham
Paul A. Graham, OSB #77190
Attorney-in-Charge
Of Attorneys for PUC Staff

DATED this 28th day of September, 2009.

[Signature]
Alex M. Duarte, OSB #02045
Corporate Counsel
Attorney for Qwest

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