

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 295

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

QWEST CORPORATION, (a Colorado
corporation),

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On September 23, 2010, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-001-0070, and requested a penalty of \$5,800. On September 23, 2010, a copy of the complaint was served.

On October 13, 2010, 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 violations were committed as alleged in the Complaint and agrees that the Commission may enter an order assessing civil monetary penalties. Defendant contends that the violations were 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.

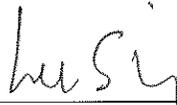
ORDER

IT IS ORDERED that:

1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Qwest Corporation, (a Colorado corporation) in the amount of \$5,800 for one violation of law.
3. Defendant shall pay the sum of \$3,300, 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 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 (\$2,500) 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 25 2010.



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.

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OREGON,

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v.

QWEST CORPORATION, (a Colorado
corporation),

Defendant.

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 952-001-0070.

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. Defendant contends that the violation was the result of actions by a third party
contractor, but accepts responsibility for payment of the fine as an operator subject to OAR 952-
001-0070.

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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 \$5,800 under the following terms and conditions:

A. \$2,500 for the current complaint, plus the \$800 suspended in Order No. 09-404. This combined amount of \$3,300 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 (\$2,500) 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 23rd day of September, 2010.

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

DATED this 13th day of October, 2010.

Representative for Defendant (signature)

Adam L. Sherr

Adam L. Sherr, Associate General Counsel
(Print name)