

ORDER NO. 11 036

ENTERED JAN 27 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 299

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

WAYNE A. SMITH, dba POST IT SIGN
SERVICE,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On January 5, 2011, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, OAR 952-011-0050, and requested a penalty of \$1,000. On January 5, 2011, a copy of the complaint was served.

On January 20, 2011, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, Defendant admits committing the alleged violation and agrees that the Commission may enter an order assessing civil monetary penalties.

The parties further agree that 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 as alleged. Pursuant to the provisions of ORS 757.993, penalties should be assessed against Defendant under the terms and conditions of the stipulation.

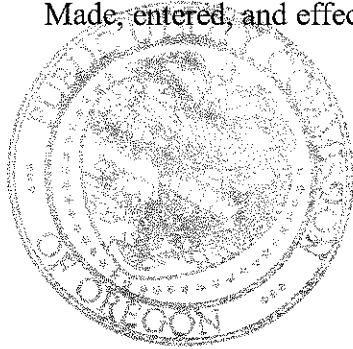
ORDER

IT IS ORDERED that:

1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties shall be assessed against Wayne A. Smith, dba Post It Sign Service in the amount of \$1,000 for one violation of law.
3. Payment of the balance of the penalties (\$1,000) shall be suspended, unless 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.

Made, entered, and effective

JAN 27 2011



Lee Sparling

Lee Sparling
Director
Utility Program

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 299

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

WAYNE A. SMITH, dba POST IT SIGN
SERVICE,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and Wayne A. Smith, 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

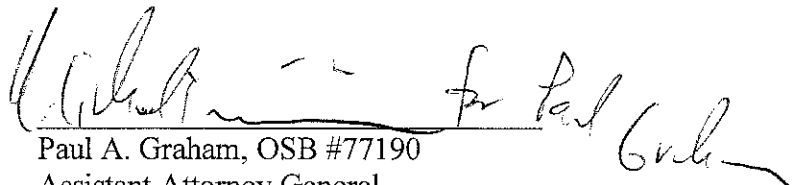
1 conditions:

- 2 A. Defendant shall sign and return this stipulation within 20 days of the date it was served
- 3 upon (mailed to) defendant.
- 4 B. \$1,000 shall be permanently suspended and no further penalties shall be imposed for the
- 5 violation alleged in the Complaint unless defendant fails to comply with all of the rules
- 6 adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one
- 7 year period following date of the Commission's entry of a final order.
- 8 C. In the event that complainant contends that the defendant has not complied with all
- 9 OUNC rules for that one year period, complainant may reopen this proceeding and
- 10 petition for imposition of all or a portion of the suspended penalties. In such case
- 11 defendant shall be entitled to a hearing and to be notified of the basis upon which
- 12 complainant contends that compliance has not occurred.

13 5.

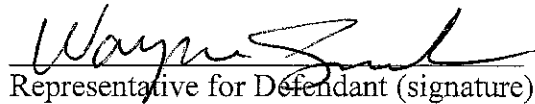
14 This stipulation is conditioned upon final approval of its terms by the Commission. If the
15 stipulation is not accepted in its entirety, it shall be deemed withdrawn.

16 DATED this 5th day of January, 2011.

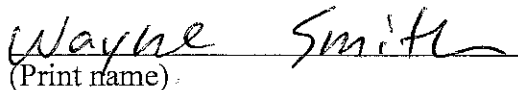
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18 Paul A. Graham, OSB #77190
19 Assistant Attorney General
20 Of Attorneys for the Public Utility Commission
21 of Oregon

22 DATED this 20 day of January, 2011.

23 

24 Representative for Defendant (signature)

25 
26 (Print name)