

ORDER NO. 11 083

ENTERED MAR 15 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 304

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

ECHO MOUNTAIN RIVER BEND
WATER SYSTEMS, L.L.C., (an Oregon
limited liability corporation),

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

On March 3, 2011, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with one violation of law, (OAR 952-001-0060), and requested a penalty of \$1,000. On March 3, 2011, a copy of the complaint was served.

On March 7, 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. Defendant also agrees to complete, within 45 days following the entry of a final order, a training session with the Oregon Utility Notification Center Speakers Bureau on Oregon excavation laws.

The parties further agree that the balance 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 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 Echo Mountain River Bend Water Systems, L.L.C. (an Oregon limited liability corporation) in the amount of \$1,000 for one violation of law.
3. Payment of the penalties (\$1,000) shall be suspended, unless:
 - (a) 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
 - (b) 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.

4. If Defendant has not timely completed a training session on Oregon excavation laws within 45 days of the entry of this order, the full amount assessed in paragraph 2 shall be due immediately following the expiration of that time period.

Made, entered, and effective MAR 15 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.

RECEIVED

MAR 08 2011

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

Public Utility Commission of Oregon
Administrative Hearings Division

NC 304

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

ECHO MOUNTAIN RIVER BEND WATER SYSTEMS, L.L.C., (an Oregon limited liability 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 Echo Mountain River Bend Water Systems, L.L.C., 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 952-001-0060.

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.

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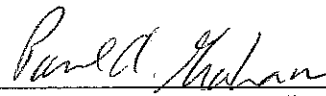
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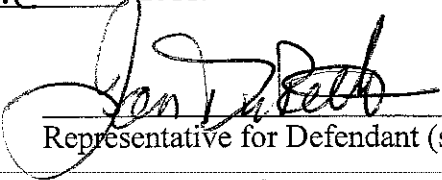
5.

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 3rd day of March, 2011.


Paul A. Graham, OSB #77190
Attorney-in-Charge
Of Attorneys for the Public Utility Commission
of Oregon

DATED this 7 day of March 2011.


Representative for Defendant (signature)

JAN DURETTE
(Print name)