

ORDER NO. 17 137

ENTERED APR 13 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 359

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

SOURCE LANDSCAPING,  
INCORPORATED,

Defendant.

ORDER

**DISPOSITION: STIPULATION ADOPTED**

In this order, the Public Utility Commission of Oregon adopts a stipulation between the Commission Staff and defendant and imposes civil monetary penalties under the terms and conditions of the stipulation.

**I. COMPLAINT AND STIPULATION**

On February 24, 2017, the Commission filed a complaint against defendant. The complaint charged defendant with two violations of law, OAR 952-001-0090(1) and OAR 952-001-0090(4). On February 24, 2017, a copy of the complaint was served.

On March 30, 2017, a Pipeline Safety Utility Analyst called defendant. Based on that conversation, a duplicate original stipulation was mailed to defendant on March 30, 2017.

On April 3, 2017, the parties in these proceedings entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, defendant:

- (1) Admits committing the alleged violations and agrees that the Commission may enter an order assessing civil monetary penalties;

- (2) 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 and with Cascade Natural Gas on operator safety. A review of the Commission's records indicates that defendant has completed a training session on operator safety; and
- (3) To submit a completed Training Verification form for all required trainings to the Commission within 10 days of the date of the last training and no later than 55 days following the entry of this order.

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 under ORS 757.552 for a period of one year following the date of the Commission's final order in these proceedings.

## **II. DISCUSSION**

The stipulation is adopted. Under the terms of the stipulation, the allegations of the complaint are true, and defendant has violated the Oregon Administrative Rules as alleged. Under the provisions of ORS 757.993, penalties should be assessed against defendant under the terms and conditions of the stipulation.

## **III. ORDER**

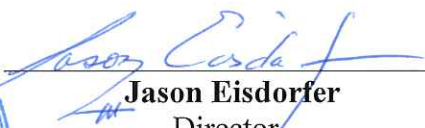
IT IS ORDERED that:

1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties are assessed against Source Landscaping Incorporated in the amount of \$2,000 for two violations of law.
3. Defendant must pay the sum of \$400 within 30 days from the date of entry of this order. The Commission acknowledges receipt of the amount of \$400 from defendant on April 10, 2017.
4. Defendant must:
  - (a) Timely complete a training session with the Oregon Utility Notification Center Speakers Bureau. Defendant will contact the OUNC Speakers Bureau to arrange for ensure that all of defendant's employees that engage in excavation activity as a part of their job duties, including but not limited to notifying the Oregon Utility Notification Center of proposed excavations, attend a training session on Oregon excavation laws within 45 days of the entry of this order; and

- (b) File a completed Training Verification form for all required training to the Public Utility Commission of Oregon at the address indicated on the form within 10 days of the date of the last training session and no later than 55 days of the entry of this order.
5. Payment of the balance of the penalties (\$1,600) will be suspended, unless defendant fails to comply with any term of the stipulation. If the defendant has not met the requirements and time periods set forth in paragraphs 3 and 4 above, the unpaid balance of the amount assessed in paragraph 2 will be due immediately following the expiration of the time periods.

Made, entered, and effective APR 13 2017.



  
**Jason Eisdorfer**  
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 359

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

SOURCE LANDSCAPING, INCORPORATED,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Assistant Attorney General, and Source Landscaping, Incorporated, the Defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the Defendant with two violations of law, which include one violation of OAR 952-001-0090(1) and one violation of OAR 952-001-0090(4), and proposing total civil penalties of \$2,000.

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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4.

The parties further agree that the Commission may enter an order assessing civil monetary penalties against Defendant in the amount of \$2,000 under the following terms and conditions:

- A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.
- B. \$400.00 becomes due and payable on or before the 30<sup>th</sup> day following the Commission's entry of its order in this case.
- C. Payment must be by cashier's check or money order made out to the Public Utility Commission of Oregon, and the memo line of the money order must state the "NC 357" docket number in the caption of this Stipulation.
- D. Payment of the balance of the penalties (\$1,600) will be suspended and will be waived with no further penalties imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period following the date of the Commission's entry of an order.
- E. Defendant must contact the OUNC Speakers Bureau online at www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and ensure that all of Defendant's employees that engage in excavation activity as part of their job duties, including but not limited to notifying the Oregon Utility Notification Center of proposed excavations, attend a training session on Oregon excavation laws within 45 days following the entry of the Commission's order.
- F. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email William.Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensure that all of Defendant's employees that engage in excavation activity as a part of their

1 job duties attend an operator safety presentation provided by CNG within 45 days  
2 following the entry of a final order.

3 G. Defendant must take a blank copy of the Training Verification form attached to this  
4 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.E.  
5 and 4.F. above. Defendant must ensure that all of its employees attending a required  
6 training sign a Training Verification form to verify attendance. A representative of  
7 the organization providing the training (Instructor) must sign the Training  
8 Verification form to verify that each person listed on the form completed the training.  
9 Defendant must return all completed training verification forms to Complainant at the  
10 address on the Form within 10 days of the date of the last training session and in no  
11 event later than 55 days following the date of the Commission's entry of an order in  
12 this docket.

13 H. In the event that Complainant contends that Defendant has not complied with all of  
14 the terms of this Stipulation and all OUNC rules for the one-year period, Complainant  
15 may reopen this proceeding and petition for imposition of all or a portion of the  
16 suspended penalties. In such case, Defendant is entitled to a notice and hearing on  
17 the basis upon which Complainant contends that compliance has not occurred.

18 I. Complainant's failure to enforce any provision of this Stipulation, or decision to  
19 waive any violation or nonperformance of this Stipulation in one instance, will not  
20 constitute a waiver by the Complainant of that provision, any other provision, or any  
21 other violation or nonperformance in another instance.

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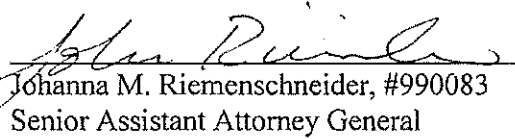
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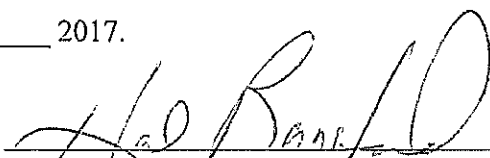
5.

This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 24<sup>th</sup> day of February 2017.

  
Johanna M. Riemenschneider, #990083  
Senior Assistant Attorney General  
Of Attorneys for the Public Utility Commission  
of Oregon

DATED this 3 day of April 2017.

  
Defendant Representative (signature)

HAL RANSTAD  
(Print Name)