

ORDER NO. 18 223

ENTERED JUN 18 2018

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 384

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

PACIFICORP,

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 May 8, 2018, the Commission filed a complaint against defendant. The complaint charged defendant with a violation of law, OAR 952-001-0070(1), and requested a penalty of \$1,000. On May 8, 2018, a copy of the complaint was served.

On May 22, 2018, 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 violation and agrees that the Commission may enter an order assessing civil monetary penalties; and
- (2) Agrees to provide the Commission with a current corrective action plan that results from Defendant's internal review of its procedures for responding to

notifications from the Oregon Utility Notification Center, within 60 days following the entry of a final 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 Rule 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 PACIFICORP 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; or
  - (b) Defendant fails to timely provide the Commission with a current corrective action plan that results from Defendant's internal review of its procedures for responding to notifications from the Oregon Utility Notification Center, within 60 days following the entry of this order.

- 4. Payment of the balance of the penalties (\$1,000) 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 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 JUN 18 2018.



*Jason Eisdorfer*  
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**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 384

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

PACIFICORP,

Defendant.

STIPULATION FOR ENTRY OF FINAL  
ORDER

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

1.

A Complaint in this case is pending before the Commission charging the Defendant with a violation of OAR 952-001-0070(1), and proposing a civil penalty of \$1,000.

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 pending 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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The parties further agree that the Commission may enter an order assessing a civil monetary penalty against Defendant in the amount of \$1,000 under the following terms and conditions:

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A. Defendant must sign and return this Stipulation within 20 days of the date it was served upon (mailed to) Defendant.

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B. Payment of the civil penalty (\$1,000) is suspended and will be waived and no further penalties will be 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 adopting this Stipulation.

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C. On or before the 60<sup>th</sup> day following the Commission's entry of its order in this docket, Defendant must provide a current corrective action plan that results from Defendant's internal review of its procedures for responding to notifications from the OUNC.

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D. In the event that Complainant contends that Defendant has not complied with all of the terms of this Stipulation and 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 penalty. In such case, Defendant is entitled to a hearing and to be notified of the basis upon which Complainant contends that compliance has not occurred.

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

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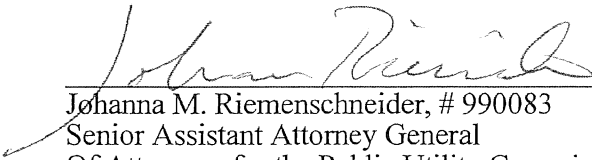
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This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 8<sup>th</sup> day of May 2018.

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

DATED this 22<sup>nd</sup> day of May 2018.

  
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Defendant / Representative (signature)  
Dustin J. Till Assistant General Counsel  
(Print Name)