

JOHN R. KROGER  
Attorney General



MARY H. WILLIAMS  
Deputy Attorney General

DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

January 5, 2011

Robert Rud  
409 SW 19<sup>th</sup> PL  
Troutdale OR 97060

Jennifer R. Rud, Registered Agent  
R & J Rud Associates LLC  
409 SW 19<sup>th</sup> PL  
Troutdale OR 97060

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No.: 860-100-GB0730-10 / Docket No.: NC 296

**PLEASE READ ALL DOCUMENTS CAREFULLY –  
DIRECT ALL CORRESPONDENCE TO THE PUBLIC UTILITY COMMISSION OF OREGON**

On December 6, 2010, a representative from your company met with the Oregon Utility Notification Center (OUNC) Enforcement Committee to discuss an alleged rule violation. At that meeting, an agreement was reached regarding penalties for the violation.

Enclosed are two sets of documents that formalize the allegation and the agreement. One set is made up of original documents. The other set is a set of copies for your files.

Please refer to the originals. The complaint simply serves as a formal notice to you of the violation you were charged with and requires that you submit an Answer to the **Public Utility Commission** responding to the allegation. You must serve your Answer on the Commission by mailing it to the Public Utility Commission of Oregon, Administrative Hearings Division, PO Box 2148, Salem, OR 97308-2148. Filing an answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing. Because you already reached an agreement with the OUNC Committee, you do not need to submit an answer. Instead, you need only sign and return the enclosed Stipulation in order to answer the Complaint.

The Stipulation sets forth the terms and conditions of the agreement you reached with the committee. **You must sign and return the Stipulation within 20 days of the date of this letter in order for it to be approved by the Public Utility Commission as a resolution to the pending Complaint. You need not make payment until the Commission has issued a final order in this matter.**

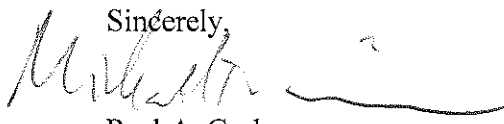
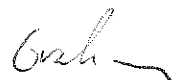
If for some reason you no longer agree to the terms of the Stipulation, you MUST FILE AN ANSWER TO THE COMPLAINT, admitting or denying the allegation.

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Michael Thompson at (503) 378-6760.

Otherwise, please return the signed Stipulation to the Public Utility Commission of Oregon at the following address so this matter can be resolved:

Public Utility Commission of Oregon  
Administrative Hearings Division  
550 Capitol St NE – Suite 215  
PO Box 2148  
Salem OR 97308-2148

Sincerely,

 for Paul  
Paul A. Graham  
Attorney-in-Charge  
Regulated Utility & Business Section 

Enclosures

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1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 NC 296

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 R & J ASSOCIATES LLC, (a domestic limited  
9 liability corporation), and ROBERT RUD, dba  
OREGON SIGN PLACEMENT,

10 Defendant.

COMPLAINT

11  
12 1.

13 This proceeding is initiated by the Public Utility Commission of Oregon (hereinafter  
14 "Commission") to determine whether civil monetary penalties should be assessed as provided in  
15 ORS 757.993. The Commission maintains its office at:

16 550 Capitol St NE – Suite 215, PO Box 2148, Salem, OR 97307-2148.

17 2.

18 At all times herein relevant, the defendant was doing business in this state.

19 3.

20 Under ORS 757.993, the Commission has discretion to seek penalties for violations of  
21 rules adopted by the Oregon Utility Notification Center (OUNC).

22 4.

23 Under ORS 757.552, OUNC has adopted rules that prescribe requirements for  
24 notification to OUNC of excavation activity and marking of underground facilities for the  
25 purpose of preventing damage to such facilities.

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5.

OUNC adopted OAR 952-001-0050 which was in effect at all times herein relevant. The rule provides in relevant part:

(1) \* \* \* [A]t least two (2) business days, but not more than ten (10) business days before commencing an excavation, the excavator shall notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the type of work to be performed.

6.

On or about September 17, 2010, defendant violated OAR 952-001-0050 in that the defendant failed to notify the Oregon Utility Notification Center of a proposed excavation before commencing the excavation.

7.

ORS 757.993 provides, in relevant part, that:

“\* \* \* every person who violates or who procures, aids or abets in the violation of any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.”

8.

Defendant has not violated OUNC rules in the past.

9.

WHEREFORE, the Commission directs the defendant to file a verified answer to this complaint within twenty (20) days from the date this complaint is mailed to the defendant. If no verified answer or other written appearance raising a question of fact or law is filed with the Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the

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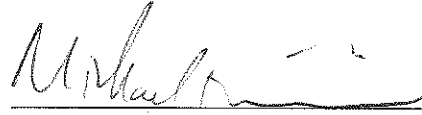
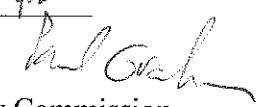
1 complaint shall be deemed admitted, and a penalty shall be imposed in the amount of \$1,000 for  
2 each violation alleged, for a total of \$1,000.

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DATED this 5<sup>th</sup> day of January, 2011.

Respectfully submitted,

JOHN R. KROGER  
Attorney General

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

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 NC 299

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 R & J ASSOCIATES LLC, (a domestic limited  
9 liability corporation), and ROBERT RUD, dba  
10 OREGON SIGN PLACEMENT,

11 Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

11 The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,  
12 Assistant Attorney General, and R & J Associates LLC and Robert Rud, dba Oregon Sign  
13 Placement, the defendants herein, hereby stipulate as follows:

14 1.

15 A Complaint in this case is pending before the Commission charging the defendant with  
16 one violation of law, OAR 952-001-0050.

17 2.

18 Both parties to this proceeding are willing to forego further processing of that Complaint  
19 and further are willing to resolve this matter on the basis of this stipulation.

20 3.

21 The defendant admits that the violation was committed as alleged in the Complaint and is  
22 willing for the Commission to enter an order finding that the violation was committed as alleged  
23 in the Complaint.

24 4.

25 The parties further agree that the Commission may enter an order assessing civil  
26 monetary penalties against the defendant in the amount of \$1,000 under the following terms and

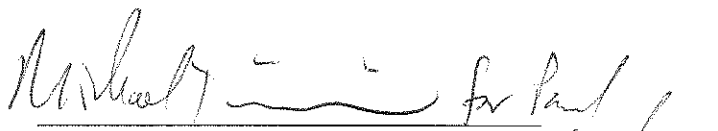
1 conditions:

- 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 5<sup>th</sup> day of January, 2011.

17 

18 \_\_\_\_\_

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

22 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

23 \_\_\_\_\_  
24 Representative for Defendant (signature)

25 \_\_\_\_\_  
26 (Print name)