

JOHN R. KROGER
Attorney General



MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

May 17, 2011

Renee Willer
Frontier Communications Corp.
20575 NW Von Neumann
Beaverton OR 97006-6982

Bob McClanathan, Registered Agent
Frontier Communications Corp.
69635 Pine Ridge Dr.
PO Box 1810
Sisters OR 97759

Re: Violation of Oregon Utility Notification Center Rules
DOJ File No.: 860-100-GB0369-11 / Docket No.: NC 310

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

On April 27, 2011, 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**

Frontier Communications Corp.

Page 2

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,



Paul A. Graham
Attorney-in-Charge
Business Activities Section

Enclosures
PAG/nal/#2747834

1 5.

2 OUNC adopted OAR 952-001-0070 which was in effect at all times herein relevant. The
3 rule provides in relevant part:

4 (1) * * * [W]ithin two business days (48 hours) after the excavator
5 notifies the Oregon Utility Notification Center of a proposed excavation, the
operator or its designated agent shall:

6 (a) Mark with reasonable accuracy all of its locatable underground facilities
7 within the area of proposed excavation. All marks shall indicate the name,
initials or logo of the operator of the underground facilities, and the width of
8 the facility if it is greater than two (2) inches;

9 (b) Provide marks to the excavator of the unlocatable underground facilities in
the area of proposed excavation, using the best information available including
10 as-constructed drawings or other facility records that are maintained by the
facility operator; or

11 (c) Notify the excavator that the operator does not have any underground
12 facilities in the area of the proposed excavation. Acceptable notifications must
include locate request call back information and if done using an AVR
13 (Automatic Voice Response) must have a repeat option and call back number
to hear the information again.

14 6.

15 On three occasions on or about August 23, 2010, September 28, 2010 and January 26,
16 2011, defendant violated OAR 952-001-0070 (1) in that the defendant failed to locate and mark
17 with reasonable accuracy all of its locatable underground facilities within the area of proposed
18 excavation.

19 7.

20 ORS 757.993 provides, in relevant part, that:

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

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8.

Defendant has violated OUNC rules in the past resulting in Order Nos. 10-419 entered on October 25, 2010, Order No. 09-404, entered on October 7, 2009, and Order No. 11-091 entered on March 22, 2011.

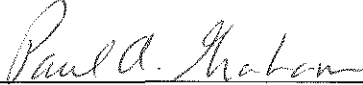
9.

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 complaint shall be deemed admitted, and a penalty shall be imposed in the amount of \$5,000 for the alleged violation.

DATED this 17th day of May, 2011.

Respectfully submitted,

JOHN R. KROGER
Attorney General



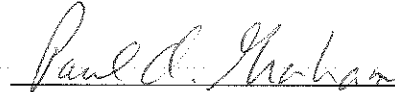
Paul A. Graham, OSB #77190
Assistant Attorney General
Of Attorneys for PUC Staff

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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 17th day of May, 2011.


Paul A. Graham, OSB #77190
Attorney-in-Charge
Of Attorneys for PUC Staff

DATED this _____ day of _____, 2011.

Representative for Defendant (signature)

(Print name)