



DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

February 24, 2017

Hal Ranstad, President  
Source Landscaping, Incorporated  
P.O. Box 446  
Bend, OR 97709

Hal Ranstad – Registered Agent  
Source Landscaping, Incorporated  
61302 SW Brookside Loop  
Bend, OR 97709

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860501-GB0073-17/ Docket No. NC 359

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

On January 3, 2017, a representative from your company met with Public Utility Commission of Oregon's 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 contain a Complaint and a Stipulation. The Complaint serves as a formal notice to you of the violation you were charged with and requires that you Answer the allegation. Because you already reached an agreement with the Enforcement 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. If you had not reached an agreement with the Enforcement Committee, filing an Answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing.

The Stipulation sets forth the terms and conditions of the agreement you reached with the Enforcement Committee. To finalize the settlement, **you must sign the original Stipulation and mail it within 20 days of the date of this letter to:**

**Public Utility Commission of Oregon  
Administrative Hearings Division  
201 High St. SE, Ste. 100  
PO Box 1088  
Salem OR 97308-1088**

Source Landscaping, Incorporated  
Hal Ranstad – Registered Agent  
February 24, 2017  
Page 2

**You do not need to make payment, if any is due, until the Commission has approved the Stipulation.** The Commission should issue an order adopting the Stipulation within 30 days of its receipt. Please retain the extra copy of the Stipulation for your files.

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, or a default order may issue.

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Kevin Hennessy at (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider  
Senior Assistant Attorney General  
Business Activities Section

Enclosures  
JMR:mxg/#8003657

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

3 NC 359

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 SOURCE LANDSCAPING,  
9 INCORPORATED,

10 Defendant.

COMPLAINT

11 1.

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

15 201 High Street SE, Ste. 100, P.O. Box 1088, Salem, Oregon 97301-1088

16 2.

17 At all times herein relevant, Defendant was doing business in this state.

18 3.

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

21 4.

22 Under ORS 757.552, OUNC has adopted rules that prescribe requirements for  
23 notification to OUNC of excavation activity and marking of underground facilities for the  
24 purpose of preventing damage to such facilities. “Excavation” and other relevant definitions are  
25 contained in OAR 952-001-0010.

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OUNC adopted OAR 952-001-0090 which was in effect at all times herein relevant. The rule provides in relevant part:

(1) An excavator shall not commence an excavation which requires notice under these rules until the excavator has received a response from each operator of underground facilities in the area of the proposed excavation, or until at least two (2) business days (48 hours) have elapsed from the time the excavator notified the Oregon Utility Notification Center.

OUNC also has adopted OAR 952-001-0090, which provides:

(4) If the excavator causes or observes damage to underground facilities, the excavator must notify the operator of the underground facilities immediately. If the damage causes an emergency, the excavator must also notify all appropriate local public safety agencies immediately by calling 911 and must take reasonable steps to insure the public safety. The excavator must not bury damaged underground facilities without the consent of the operator of the damaged underground facilities.

7.

On or about September 26, 2016, Defendant violated OAR 952-001-0090(1) by commencing an excavation near SW Pumice Avenue and 35<sup>th</sup> Street in Redmond, Oregon without waiting the required 48 hours to receive a response from the operators of the underground facilities and violated OAR 952-001-0090(4) by failing to notify the operator of underground facilities after causing or observing damage to such facilities.

8.

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.”

9.

Defendant has not violated OUNC rules in the past.

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WHEREFORE, the Commission directs Defendant to file a verified answer to this Complaint within twenty (20) days from the date this Complaint is mailed to 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 are deemed admitted, and a penalty will be imposed by default order in the amount of \$1,000 for each violation alleged, for a total of \$2,000.

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

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General



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

1                               **BEFORE THE PUBLIC UTILITY COMMISSION**

2   **OF OREGON**

3   NC 359

4 PUBLIC UTILITY COMMISSION OF  
OREGON,

5                               Complainant,

6                               v.

7 SOURCE LANDSCAPING,  
8 INCORPORATED,

9                               Defendant.

  |                               STIPULATION FOR ENTRY OF FINAL  
  |                               ORDER

10  
11               The Public Utility Commission of Oregon, appearing by and through Johanna M.  
12 Riemenschneider, Assistant Attorney General, and Source Landscaping, Incorporated, the  
13 Defendant herein, hereby stipulate as follows:

14   1.

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

18   2.

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

21   3.

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

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26       ///

1 4.

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

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

7 B. \$400.00 becomes due and payable on or before the 30<sup>th</sup> day following the  
8 Commission's entry of its order in this case.

9 C. Payment must be by cashier's check or money order made out to the Public Utility  
10 Commission of Oregon, and the memo line of the money order must state the "NC  
11 357" docket number in the caption of this Stipulation.

12 D. Payment of the balance of the penalties (\$1,600) will be suspended and will be  
13 waived with no further penalties imposed for the violation alleged in the Complaint  
14 unless Defendant fails to comply with all of the terms of this Stipulation and all of the  
15 rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552  
16 for a one-year period following the date of the Commission's entry of an order.

17 E. Defendant must contact the OUNC Speakers Bureau online at  
18 www.digsafelyoregon.com or by calling **(503) 232-1987** to arrange for and ensure  
19 that all of Defendant's employees that engage in excavation activity as part of their  
20 job duties, including but not limited to notifying the Oregon Utility Notification  
21 Center of proposed excavations, attend a training session on Oregon excavation laws  
22 within 45 days following the entry of the Commission's order.

23 F. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email  
24 William.Walker@cngc.com or by calling **(541) 706-6290** and arrange for and ensure  
25 that all of Defendant's employees that engage in excavation activity as a part of their  
26

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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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 \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Defendant / Representative (signature)

\_\_\_\_\_  
(Print Name)



**Oregon Public Utility Commission  
Training Verification**

Docket NC 359

**Instructions:**

- Defendant:
  - Schedule training(s) outlined in Stipulation
  - Complete the Training Verification form on the day of the training
  - All attendees must print and sign their name on the Training Verification form
  - Have instructor date and sign the Training Verification form upon completion of training
  - Defendant **must** mail completed Training Verification form to the address below (*retain a copy for your records*)
- Instructor:
  - Date and sign the Training Verification form upon completion of training

**Type of Training:** *(To be filled out by the instructor)*

OUNC – Oregon Excavation Laws       Operator Safety Presentation       Other:

Instructor Print Name: \_\_\_\_\_

Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Printed)	Name (Signed)

Mail Completed form to:

**Public Utility Commission of Oregon  
Administrative Hearings Division  
201 High St. SE, Ste. 100  
PO Box 1088  
Salem OR 97308-1088**