



DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

May 26, 2017

Christopher R. Barley, Registered Agent  
Queen of Spades Utilities, Inc.  
7315 NE 27<sup>th</sup> Avenue  
Portland, OR 97211

Karen Jackson, President  
Queen of Spades Utilities, Inc.  
38042 Skyview Court N  
Creston, WA 99147

Britt Butler, Representative  
Queen of Spades Utilities, Inc.  
6902 SE 87<sup>th</sup> Avenue  
Portland, OR 97266

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860501-GB0307 / NC 361

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

On May 4, 2017, a representative from your company met with the 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 Street SE, Suite 100  
Salem OR 97308-1088**

Queen of Spades Utilities, Inc.

May 26, 2017

Page 2

**You do not need to make payment 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 within 20 days, or a default order may be issued.

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

JMR:pjr/#8244199  
Enclosures

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

3 NC 361

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 QUEEN OF SPADES UTILITIES, INC.,

9 Defendant.

COMPLAINT

10 1.

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

14 201 High Street SE, P.O. Box 1088, Salem, Oregon, 97308-1088.

15 2.

16 At all times herein relevant, Defendant was doing business in this state as a foreign  
17 corporation.

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.

26 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

5.

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 begin 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.

6.

On or about February 24, 2017, Defendant violated OAR 952-001-0090 by commencing an excavation near 215 E. Beacon Drive, Eugene, Oregon without waiting the required 48 hours to receive a response from the operators of the underground facilities.

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 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

///  
///  
///


1 allegations of the Complaint are deemed admitted, and a penalty will be imposed in the  
2 amount of \$1,000 for each violation alleged, for a total of \$1,000.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED this 26 day of May 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

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

NC 361

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

QUEEN OF SPADES UTILITIES, INC.,

Defendant.

STIPULATION FOR ENTRY OF ORDER

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

1.

A Complaint in this case is pending before the Commission charging the Defendant with one violation of law, OAR 952-001-0090(1).

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.

///

///

///

1 4.

2 The parties further agree that the Commission may enter an order assessing a civil  
3 monetary penalty against Defendant in the amount of \$1,000 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. Payment of the penalty (\$1,000) will be suspended and no further penalties will be  
8 imposed for the violation alleged in the Complaint unless Defendant fails to comply  
9 with all of the terms of this Stipulation and all of the rules adopted by the Oregon  
10 Utility Notification Center (OUNC) under ORS 757.552 for a one-year period  
11 following the date of the Commission's entry of an order.
- 12 C. Defendant must contact the Emerald People's Utility District (EPUD), Chris Miles,  
13 by email at ChrisM@epud.org or by calling (541) 744-7481 to arrange for and ensure  
14 that all of defendant's employees that engage in excavation activity in Oregon as part  
15 of their job duties attend an EPUD-provided training session on electric overhead and  
16 underground safety within 45 days following the entry of a final order.
- 17 D. Defendant must take a blank copy of the Training Verification form attached to this  
18 Stipulation as Attachment 1 to all required trainings scheduled under paragraph 4.C.  
19 above. Defendant must ensure that all of its employees attending a required training  
20 sign a Training Verification form to verify attendance. A representative of the  
21 organization providing the training (Instructor) must sign the Training Verification  
22 form to verify each person listed on the form completed the training. Defendant must  
23 return all completed Training Verification forms to Complainant at the address on the  
24 Form within 10 days of the date of the last training session and in no event later than  
25 55 days following the date of the Commission's entry of an order in this docket.

26 ///


1 E. In the event that Complainant contends that Defendant has not complied with all of  
2 the terms of this Stipulation and all OUNC rules for that one-year period,  
3 Complainant may reopen this proceeding and petition for imposition of all or a  
4 portion of the suspended penalties. In such case, Defendant is entitled to a hearing  
5 and to be notified of the basis upon which Complainant contends that compliance has  
6 not occurred.

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

11 5.

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

14  
15 DATED this 26 day of May 2017.

16  
17   
18 Johanna M. Riemenschneider, #990083  
19 Senior Assistant Attorney General  
20 Of Attorneys for the Public Utility Commission  
21 of Oregon

22  
23 DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

24  
25 \_\_\_\_\_  
26 Defendant / Representative (signature)

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





**Oregon Public Utility Commission**  
**Training Verification**

Docket NC 361

- 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**