



DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

July 27, 2017

Scott A. Corn, President  
Haz-Tech Drilling, Inc.  
P.O. Box 940  
Meridian, ID 83680

InCorp Services, Inc., Registered Agent  
5305 N. River Road, Suite B1  
Keizer, OR 97303

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860140-GB0422-17 / Docket No. NC 368

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

On July 11, 2017, a representative from your company participated in a telephone conference with the Enforcement Committee to discuss an alleged rule violation. At that conference, 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**

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.

Haz-Tech Drilling, Inc.  
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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 (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider  
Senior Assistant Attorney General  
Business Activities Section

JMR:pjr/#8382405  
Enclosures



1 5.  
2 OUNC adopted OAR 952-001-0050, which was in effect at all times herein relevant. The  
3 rule provides in relevant part:

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

8 6.  
9 On or about December 16, 2016, Defendant violated OAR 952-001-0050, in that  
10 Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation  
11 before commencing excavation at or near 2500 Westgate, Pendleton, Oregon.

12 7.  
13 ORS 757.993 provides, in relevant part, that:

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

18 8.  
19 Defendant has not violated OUNC rules in the past.

20 9.  
21 WHEREFORE, the Commission directs Defendant to file a verified answer to this  
22 Complaint within twenty (20) days from the date this Complaint is mailed to Defendant. If no  
23 verified answer or other written appearance raising a question of fact or law is filed with the  
24 Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the

25 ///

26 ///

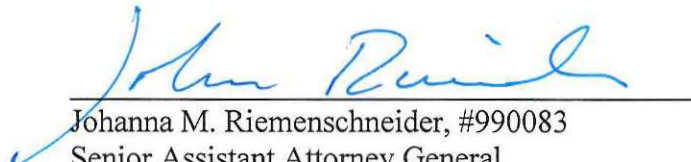
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1 Complaint are deemed admitted, and a penalty will be imposed by default order in the amount of  
2 \$1,000 for each violation alleged, for a total of \$1,000.

3  
4 DATED this 27<sup>th</sup> day of July 2017.

5 Respectfully submitted,

6 ELLEN F. ROSENBLUM  
7 Attorney General

8   
9 Johanna M. Riemenschneider, #990083  
10 Senior Assistant Attorney General  
11 Of Attorneys for the Public Utility Commission  
12 of Oregon

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

3   NC 368

4 PUBLIC UTILITY COMMISSION OF  
OREGON,

5                   Complainant,

6                   v.

7 HAZ-TECH DRILLING, INC.,

8                   Defendant.

STIPULATION FOR ENTRY OF ORDER

9  
10           The Public Utility Commission of Oregon, appearing by and through Johanna M.  
11 Riemenschneider, Assistant Attorney General, and Haz-Tech Drilling, Inc., the Defendant  
12 herein, hereby stipulate as follows:

13   1.

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

16   2.

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

19   3.

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

23   4.

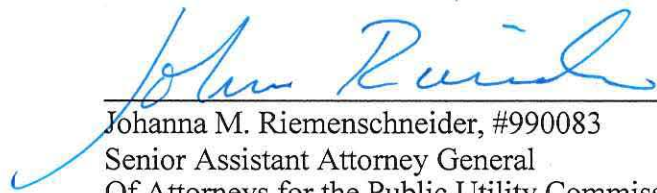
24           The parties further agree that the Commission may enter an order assessing civil  
25 monetary penalties against Defendant in the amount of \$1,000 under the following terms and  
26 conditions:

- 1 A. Defendant must sign and return this Stipulation within 20 days of the date it was  
2 served upon (mailed to) Defendant.
- 3 B. Payment of the penalty (\$1,000) is suspended and will be waived with no further  
4 penalties imposed for the violation alleged in the Complaint unless Defendant fails to  
5 comply with all of the terms of this Stipulation and all of the rules adopted by the  
6 Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period  
7 following the date of the Commission's entry of an order.
- 8 C. In the event that Complainant contends that Defendant has not complied with all of  
9 the terms of this Stipulation and all OUNC rules for that one-year period,  
10 Complainant may reopen this proceeding and petition for imposition of all or a  
11 portion of the suspended penalties. In such case, Defendant is entitled to a notice and  
12 hearing on the basis upon which Complainant contends that compliance has not  
13 occurred.
- 14 D. Complainant's failure to enforce any provision of this Stipulation, or decision to  
15 waive any violation or nonperformance of this Stipulation in one instance, will not  
16 constitute a waiver by the Complainant of that provision, any other provision, or any  
17 other violation or nonperformance in another instance.

18 5.

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

21  
22 DATED this 27<sup>th</sup> day of July 2017.

23  
24   
25 Johanna M. Riemenschneider, #990083  
26 Senior Assistant Attorney General  
Of Attorneys for the Public Utility Commission  
of Oregon

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

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

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