



**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

October 13, 2017

C T Corporation System, Registered Agent  
AT&T Services, Inc.  
780 Commercial Street SE, Suite 100  
Salem, OR 97301

John Donovan, President  
AT&T Services, Inc.  
208 S. Akard Street  
Dallas, TX 75202

Sharon Mullin, Director - Regulatory  
AT&T Services, Inc.  
2003 Point Bluff  
Austin, TX 78746

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860140-GB0536-17/ Docket No. NC 376

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

On September 14, 2017, a representative from your company participated in a telephone conference 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:**

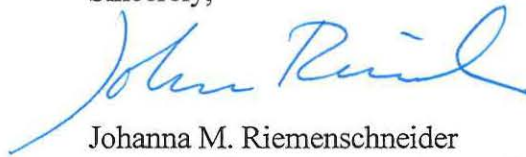
**Public Utility Commission of Oregon  
Administrative Hearings Division  
201 High Street SE, Suite 100  
Salem OR 97308-1088**

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

Enclosures

JMR/pjr/#8508005

cc: Cynthia Manheim, AT&T, P.O. Box 97061, Redmond, WA 98073-9761

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

3 NC 376

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6 Complainant,

7 v.

8 AT&T SERVICES, INC.,

9 Defendant.

COMPLAINT

10  
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, Suite 100, Salem, Oregon 97301.

16 2.

17 At all times herein relevant, the 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 952-001-0080 which was in effect at all times herein relevant. The rule provides in relevant part:

Within 10 business days after a designer notifies the Oregon Utility Notification Center of a proposed project, the operator of the underground facilities must:

- (1) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;
- (2) Provide the excavator the best description available to the operator of the unlocatable underground facilities in the area of the proposed excavation including as-constructed drawings, or other facility maps that are maintained by the facility operator; or
- (3) Contact the person requesting design information and agree on a time, prior to the beginning of the proposed project, for exchange of the information required under section (1) or section (2) of this rule.

6.

On or about May 16, 2017, Defendant violated OAR 952-001-0080 in that the Defendant failed to respond to a request for location of underground facilities at or near West Union Road, Beaverton, Oregon within ten (10) business days.

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.

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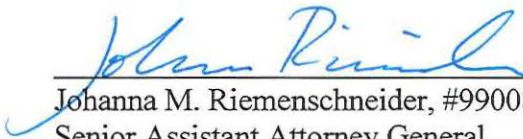
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WHEREFORE, the Commission directs the Defendant to file a verified answer to this complaint within twenty (20) days from the date this complaint is mailed to the Defendant. If no verified answer or other written appearance raising a question of fact 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 \$1,000 for each violation alleged, for a total of \$1,000.

DATED this 13 day of October 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 376

4 PUBLIC UTILITY COMMISSION OF  
5 OREGON,

6                     Complainant,

7             v.

8 AT&T SERVICES, INC.,

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 AT&T Services, Inc., the Defendant herein,  
13 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 952-001-0080.

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

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1 4.

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

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

DATED this 13 day of October 2017.

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

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

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

\_\_\_\_\_  
(Print name)