



DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

January 9, 2018

ATTN: Fred Macy  
Loy Clark Pipeline Co.  
19020A SW Cipole Road, Suite 12  
Tualatin, OR 97062

CT Corporation, Registered Agent  
Loy Clark Pipeline Co.  
780 Commercial Street SE, Suite 100  
Salem, OR 97301

Michael A. Bass, President  
Loy Clark Pipeline Co.  
19020A SW Cipole Road  
Tualatin, OR 97062

Re: Violation of Oregon Utility Notification Center Rules  
DOJ File No. 860140-GB0665-17/ Docket No. NC 380

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

On November 29, 2017, a representative from your company met 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  
P.O. Box 1088  
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 (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider  
Senior Assistant Attorney General  
Business Activities Section

JMR:pjr/#8653244  
Enclosures





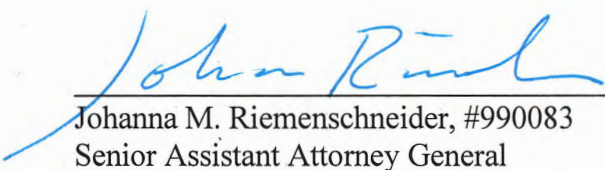
1 Complaint are deemed admitted, and a penalty will be imposed by default order in the amount of  
2 \$1,000 for each violation alleged, for a total of \$1,000.

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DATED this 9th day of January 2018.

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 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) is suspended and will be waived with no further  
8 penalties imposed for the violation alleged in the Complaint unless Defendant fails to  
9 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. Defendant must provide the Commission with a plan or procedure (policy) that  
13 identifies the company's workflow process for giving notice of proposed excavations  
14 to the Oregon Utility Notification Center (OUNC) within 60 days following the  
15 Order. The policy must include but is not limited to the following:
- 16 1) Describe the purpose of the policy and commitment thereof by leadership,  
17 management, and employees;
  - 18 2) Identify conditions and types of work that require a 48 hour notice, design notice  
19 and emergency notification to the OUNC;
  - 20 3) Identify tasks assigned to participants by title or position and their roles and  
21 responsibilities in the workflow process;
  - 22 4) Identify technology or systems used throughout the policy that enables the  
23 completion of tasks; and
  - 24 5) Establish criteria for periodic review of the effectiveness of this policy and  
25 identify best practices for its implementation.
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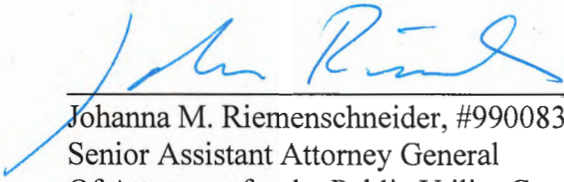
1 D. In the event that Complainant contends that Defendant has not complied with all of  
2 the terms of this Stipulation and all OUNC rules for that one-year period,  
3 Complainant may reopen this proceeding and petition for imposition of all or a  
4 portion of the suspended penalty. In such case, Defendant is entitled to a notice and  
5 hearing on the basis upon which Complainant contends that compliance has not  
6 occurred.

7 E. 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 DATED this 9th day of January 2018.

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

22 DATED this \_\_\_\_ day of January 2018.

23  
24 \_\_\_\_\_  
25 Defendant / Representative (signature)

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