

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

NC 349

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

JARON MCKERNAN ENTERPRISES, INC.
(an Oregon corporation),

Defendant.

STIPULATION FOR
ENTRY OF FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Assistant Attorney General, and Jaron McKernan Enterprises, 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 952-001-0050.

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.

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2 The parties further agree that the Commission may enter an order assessing civil
3 monetary penalties 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. \$200 becomes due and payable on or before the 30th day following the Commission's
8 entry of its order in this case.
- 9 C. Payment must be by **money order** made out to the **Public Utility Commission of**
10 **Oregon**, and the memo line of the money order must state the "NC" docket number
11 in the caption of this Stipulation.
- 12 D. Payment of the remaining penalty (\$800) will be suspended and no further penalties
13 will be imposed for the violation alleged in the Complaint unless Defendant fails to
14 comply with all of the terms of this Stipulation and all of the rules adopted by the
15 Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period
16 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 attend a
19 training session on Oregon excavation laws within 45 days following the entry of the
20 Commission's order.
- 21 F. Defendant must also contact Bill Walker at Cascade Natural Gas (CNG) by email
22 William.Walker@cngc.com or by calling (541) 706-6290 and arrange and attend an
23 operator safety presentation provided by CNG within 45 days following the entry of a
24 final order.
- 25 G. In the event that Complainant contends that Defendant has not complied with all of
26 the terms of this Stipulation and all OUNC rules for that one-year period,


1 Complainant may reopen this proceeding and petition for imposition of all or a
2 portion of the suspended penalties. In such case, Defendant is entitled to a hearing
3 and to be notified of the basis upon which Complainant contends that compliance has
4 not occurred.

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

9 5.

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

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13 DATED this 16th day of March, 2016.

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15 
16 Johanna M. Riemenschneider, #990083
17 Senior Assistant Attorney General
18 Of Attorneys for the Public Utility Commission
19 of Oregon

20
21 DATED this 25 day of March, 2016.

22 
23 Defendant / Representative (signature)

24 JARON MCKERNAN
25 (Print Name)