

**BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON**

NC 356

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

CENTURYLINK COMMUNICATIONS, LLC,

Defendant.

**APPLICATION FOR  
RECONSIDERATION OR IN  
THE ALTERNATIVE MOTION  
TO MODIFY ORDER**

Pursuant to ORS 756.561 and OAR 860-001-0720, CenturyLink Communications, LLC (“CenturyLink”), files this Application for Reconsideration of Commission Order 16-478, which it entered on December 12, 2016 (“Order”). In the alternative, CenturyLink moves the Commission to modify the Order. CenturyLink asks the Commission to reconsider or modify the Order and accept the Stipulation between CenturyLink and Staff (“Parties”). CenturyLink has conferred with the Staff and it supports the requested relief. Therefore, the Parties have entered into a Stipulation, which CenturyLink has attached to this pleading.

Due to circumstances beyond the company’s control, CenturyLink did not timely respond to the Staff’s offer of settlement in the case. As a result, the Commission entered the Order which assessed the full penalty amount of \$5000.00. After several discussions with Staff, the Parties agreed it was appropriate and consistent with the

public interest to ask the Commission to accept the Stipulation that, among other things, permits CenturyLink to satisfy the complaint in this docket with a payment of \$1000.00.

Accordingly, CenturyLink respectfully moves the Commission to grant the relief requested herein and that it adopt the attached Stipulation.

DATED: February 10, 2017

**CENTURYLINK COMMUNICATIONS, LLC**

By: \_\_\_\_\_

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STIPULATION FOR ENTRY OF FINAL  
ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Assistant Attorney General, and CenturyLink Communications, LLC, the Defendant herein, hereby stipulate as follows:

1.

A Complaint in this case was filed before the Commission charging the Defendant with violations of OAR 952-001-0070, and proposing total civil penalties of \$5,000.

2.

Both parties to this proceeding are willing to forego any further processing of that Complaint, waive all rights to any hearing or appeal of any order entered in this docket, and 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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4.

The parties further agree that the Commission may enter an order assessing civil monetary penalties against Defendant in the amount of \$5,000 under the following terms and conditions:

- A. Defendant signs and return this Stipulation.
- B. \$1,000 becomes due and payable on or before the 30<sup>th</sup> day following the Commission's entry of its order accepting the Stipulation in this case.
- C. Payment must be by money order made out to the Public Utility Commission of Oregon, and the memo line of the money order must state the "NC" docket number in the caption of this Stipulation.
- D. Payment of the balance of the civil penalties (\$4,000) will be suspended and will be waived and no further penalties will be imposed for the violation alleged in the Complaint unless Defendant fails to comply with all of the terms of this Stipulation and all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period following the date of the Commission's entry of an order.
- E. In the event that Complainant contends that Defendant has not complied with all of the terms of this Stipulation and all OUNC rules for that one-year period, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties. In such case, Defendant is entitled to a hearing and to be notified of the basis upon which Complainant contends that compliance has not occurred.

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

5.

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

DATED this 7<sup>th</sup> day of February 2017.



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

DATED this 7<sup>th</sup> day of February 2017.



Defendant / Representative (signature)

William E. Hendricks  
(Print Name)