

ENTERED JUL 22 2003

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 76

PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
)
v.)
)
KLB CONSTRUCTION, INC., (a)
Washington corporation),)
)
Defendant.)

ORDER

DISPOSITION: STIPULATION ADOPTED

On May 3, 2003, the Public Utility Commission of Oregon filed a complaint against Defendant. The complaint charged Defendant with 27 violations of law and requested a penalty of \$175,000. On May 9, 2003, a copy of the complaint was served.

On May 25, 2003, the parties to this proceeding entered into a stipulation, which is attached as Appendix A.

Defendant admits committing the violations alleged in the complaint. The stipulation is adopted.

From the foregoing, it is concluded that no hearing is required. Under the terms of the stipulation, the allegations of the complaint are true, and Defendant has violated Oregon Administrative Rules as alleged. Pursuant to the provisions of ORS 757.993, penalties should be assessed against Defendant under the terms and conditions of the stipulation.

ORDER

IT IS ORDERED that:

1. Civil monetary penalties shall be assessed against Defendant in the amount of \$175,000 for 27 violations of law.
2. Defendant shall
 - A. Pay the sum of \$15,000 to become due and payable on or before the 30th day following the Commission's entry of a final order in this case.
 - B. Payment shall be by cashier's check or money order made out to the **Public Utility Commission of Oregon**, and the memo line of the cashier's check or money order shall state the "NC" docket number in the caption of this stipulation. Payment of the balance of the penalties (\$20,000) shall be in accord with the following schedule:

<u>Amount</u>	<u>Due Date</u>
\$4,000	On or before July 1, 2003
\$4,000	August 1, 2003
\$4,000	September 1, 2003
\$4,000	October 1, 2003
\$4,000	November 1, 2003

In the alternative, defendant may pay \$33,000 on or before the 30th day following the Commission's entry of a final order in this case.

3. If Defendant has not paid the amount assessed in accord with the schedule in paragraph 2 above or within 30 days from the date of service of this order, then Defendant shall pay the amount assessed in paragraph 1 above (\$175,000). Such payment shall be due immediately following the expiration of the time period set out in paragraph 2 above.

4. Within 30 days following entry of the Commission's final order, Defendant shall contact the OUNC Speakers Bureau and attend a training session on Oregon excavation laws.

Made, entered, and effective _____.

John Savage
Director
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to ORS 756.580.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 76

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

KLB CONSTRUCTION, INC., (a
Washington corporation),

Defendant.

STIPULATION FOR ENTRY OF FINAL
ORDER

The Public Utility Commission of Oregon, appearing by and through Paul A. Graham,
Assistant Attorney General, and KLB Construction, Inc., the defendant herein, hereby stipulate
as follows:

1.

A Complaint in this case is pending before the Commission charging the defendant with
27 violations of law, as set out in the attached Complaint on file herein.

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.

Only for the purposes of resolving this administrative action and not for purposes of any
current or subsequent litigation, 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.

A. \$15,000 shall become due and payable on or before the 30th day following the Commission’s entry of a final order in this case.

B. Payment shall be by cashier’s check or money order made out to the **Public Utility Commission of Oregon**, and the memo line of the cashier’s check or money order shall state the “NC” docket number in the caption of this stipulation. Payment of the balance of the penalties (\$20,000) shall be in accord with the following schedule:

<u>Amount</u>	<u>Due Date</u>
\$4,000	On or before July 1, 2003
\$4,000	August 1, 2003
\$4,000	September 1, 2003
\$4,000	October 1, 2003
\$4,000	November 1, 2003

In the alternative, defendant may pay \$33,000 on or before the 30th day following the Commission’s entry of a final order in this case.

C. Within 30 days following entry of the Commission’s final order, defendant shall contact the OUNC Speakers Bureau and attend a training session on Oregon excavation laws.

D. In the event that complainant contends that the defendant has not complied with 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 shall be entitled to a hearing and to be notified of the basis upon which complainant contends that compliance has not occurred.

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5.

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 _____ day of _____, 2003.

Paul A. Graham, OSB #77190
Assistant Attorney General
Of Attorneys for PUC Staff

DATED this _____ day of _____, 2003.

Representative for Defendant