

ORDER NO. 17 126
ENTERED MAR 30 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

NC 357

PUBLIC UTILITY COMMISSION OF
OREGON,

Complainant,

v.

RON KIDDER LLC,

Defendant.

ORDER

DISPOSITION: STIPULATION ADOPTED

In this order, the Public Utility Commission of Oregon adopts a stipulation between the Commission Staff and defendant and imposes civil monetary penalties under the terms and conditions of the stipulation.

I. COMPLAINT AND STIPULATION

On February 24, 2017, the Commission filed a complaint against defendant. The complaint charged defendant with one violation of law, OAR 952-001-0090(1), and requested a penalty of \$1,000. On February 24, 2017, a copy of the complaint was served.

On March 8, 2017, the parties in these proceedings entered into a stipulation, which is attached as Appendix A.

Under the terms of the stipulation, defendant:

- (1) Admits committing the alleged violation and agrees that the Commission may enter an order assessing civil monetary penalties;
- (2) Agrees to complete, within 45 days following the entry of a final order, a training session with Cascade Natural Gas on operator safety. A review of the Commission's records indicates that defendant has completed the training session on operator safety; and

- (3) To submit a completed Training Verification form(s) for all required trainings to the Commission within 10 days of the date of the last training and no later than 55 days following the entry of this order. A review of the Commission's records indicates that defendant has submitted the completed Training Verification form.

The parties further agree that a portion of the penalties should be suspended, unless defendant fails to comply with any provision of the stipulation or violates any rule adopted by the Oregon Utility Notification Center under ORS 757.552 for a period of one year following the date of the Commission's final order in these proceedings.

II. DISCUSSION

The stipulation is adopted. Under the terms of the stipulation, the allegations of the complaint are true, and defendant has violated the Oregon Administrative Rule as alleged. Under the provisions of ORS 757.993, penalties should be assessed against defendant under the terms and conditions of the stipulation.

III. ORDER

IT IS ORDERED that:

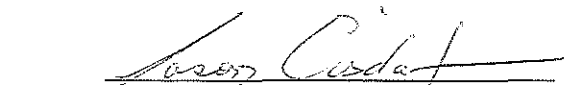
1. The stipulation, attached as Appendix A, is adopted.
2. Civil monetary penalties are assessed against Ron Kidder LLC in the amount of \$1,000 for a violation of law.
3. Defendant must pay the sum of \$200, due and payable within 30 days from the date of entry of this order. Payment must be in the form of a 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 "NC 357" in the caption of this order. (Mail payment to: Public Utility Commission of Oregon, PO Box 2153, Salem, OR 97308.)
4. Payment of the balance of the penalties (\$800) will be suspended, unless:
 - (a) Defendant fails to comply with paragraph 3 above; or

- (b) A showing is made that defendant has violated, within one year of the date of this order, any rules administered by the Oregon Utility Notification Center.

MAR 30 2017

Made, entered, and effective _____.




Jason Eisdorfer
Director
Utility Program

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

NC 357

PUBLIC UTILITY COMMISSION OF OREGON,

Complainant,

v.

RON KIDDER LLC,

Defendant.

STIPULATION FOR ENTRY OF FINAL ORDER

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

1.

A Complaint in this case is pending before the Commission charging the Defendant with violations of OAR 952-001-0090(1), and proposing total civil penalties of \$1,000.

2.

Both parties to this proceeding are willing to forego further processing of that Complaint and further are willing to resolve this matter without further hearing or appeal 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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1 4.

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. \$200.00 becomes due and payable on or before the 30th day following the
8 Commission's entry of its order in this case.

9 C. Payment must be by cashier's check or money order made out to the Public Utility
10 Commission of Oregon, and the memo line of the money order must state the "NC
11 357" docket number in the caption of this Stipulation.

12 D. Payment of the balance of the penalty (\$800) will be suspended and it will be waived
13 with no further penalties imposed for the violation alleged in the Complaint unless
14 Defendant fails to comply with all of the terms of this Stipulation and all of the rules
15 adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a
16 one-year period following the date of the Commission's entry of an order.

17 E. Defendant must contact Bill Walker at Cascade Natural Gas (CNG) by email at
18 William.Walker@cngc.com or by calling (541) 706-6290 and arrange for and ensure
19 that all of defendant's employees that engage in excavation activity as a part of their
20 job duties attend an operator safety presentation provided by CNG within 45 days
21 following the entry of a final order.

22 F. Defendant must take a blank copy of the Training Verification form attached to this
23 Stipulation as Attachment 1 to all required trainings scheduled under paragraphs 4.E.
24 above. Defendant must ensure that all of its employees attending a required training
25 sign a Training Verification form to verify attendance. A representative of the
26 organization providing the training (Instructor) must sign the Training Verification

1 form to verify that each person listed on the form completed the training. Defendant
2 must return all completed Training Verification forms to Complainant at the address
3 on the Form within 10 days of the date of the last training session and in no event
4 later than 55 days following the date of the Commission's entry of an order in this
5 docket.

6 G. In the event that Complainant contends that Defendant has not complied with all of
7 the terms of this Stipulation and all OUNC rules for the one-year period, Complainant
8 may reopen this proceeding and petition for imposition of all or a portion of the
9 suspended penalty. In such case, Defendant is entitled to notice and a hearing on the
10 basis upon which Complainant contends that compliance has not occurred.

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

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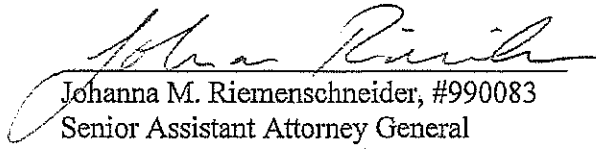
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5.

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

DATED this 24th day of February 2017.


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

DATED this 8 ^{March} day of February 2017.


Defendant / Representative (signature)

RON KIDDER
(Print Name)



ORDER NO.
**Oregon Public Utility Commission
Training Verification**

Docket NC 357

Instructions:

- Defendant:
 - Schedule training(s) outlined in Stipulation
 - Complete the Training Verification form on the day of the training
 - All attendees must print and sign their name on the Training Verification form
 - Have instructor date and sign the Training Verification form upon completion of training
 - Defendant **must** mail completed Training Verification form to the address below (*retain a copy for your records*)
- Instructor:
 - Date and sign the Training Verification form upon completion of training

Type of Training: (To be filled out by the instructor)

OUNC – Oregon Excavation Laws Operator Safety Presentation Other:

Instructor Print Name: _____

Instructor Signature: _____ Date: _____

Name (Printed)	Name (Signed)

Mail Completed form to:

Public Utility Commission of Oregon
Administrative Hearings Division
201 High St. SE, Ste. 100
PO Box 1088
Salem OR 97308-1088