



Public Service Commission
State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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PUBLIC SERVICE COMMISSION

2 July 2010

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

Darrell Nitschke
Executive Secretary
600 East Boulevard, Dept 408
Bismarck, ND 58505-0480

Re: Public Service Commission v. Riley Brothers Construction
Case No. WM-09-640

Dear Mr. Nitschke:

Enclosed for filing is a Stipulation between the North Dakota Public Service Commission Advocacy Staff and Riley Brothers Construction in the captioned case. The original will be filed when received and I will sign it upon my return to the office in August.

If approved by the Commission, this Stipulation resolves all issues in the case.

Best regards,

Illona A. Jeffcoat-Sacco
General Counsel
Attorney for Public Service Commission
Advocacy Staff

enclosures

c/w enclosures: Darlenen Hennen, Riley Brothers Construction
Donna Patrick, NuStar Pipeline
Al Hoberg, Administrative Law Judge

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission,

Case No. WM-09-640

Complainant,

vs.

Riley Brothers Construction

Respondent.

STIPULATION

WHEREAS, the North Dakota Public Service Commission Advocacy Staff (Advocacy Staff), Complainant, filed with the North Dakota Public Service Commission (Commission) a Complaint dated 29 April 2010, against Riley Brothers Construction, Incorporated (Riley Brothers), Respondent; and

WHEREAS, the Respondent, Riley Brothers, admits service of the Complaint and agrees that the facts alleged in the Complaint are true and are grounds for the Commission finding a violation and imposing a penalty, and that the terms of this Stipulation are appropriate;

THEREFORE, IT IS HEREBY agreed by and between Riley Brothers and Advocacy Staff:

1. The Respondent, Riley Brothers, by signing this Stipulation, waives any procedural irregularity and the right to hearing on the Complaint now pending in this action;
2. The Commission may enter an Order finding a violation and imposing a civil penalty in the amount of \$500.00, which Riley Brothers agrees to pay within 30 days of issuance of the Order.
3. In the event the Commission, in its discretion, does not approve this Stipulation, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any enforcement action by either party to this Stipulation, except that Respondent agrees that if the Commission rejects this Stipulation and this case proceeds to hearing, Respondent will assert no claim that the Commission was prejudiced by its review and discussion of this Stipulation or of any records relating to this Stipulation.

4. This agreement for the disposition of this case is a matter of public record and the obligations of the Commission with respect to matters of public record are governed by the laws of North Dakota and Commission policy.
5. Riley Brothers and Advocacy Staff recognize that the Advocacy Staff representatives who have engaged in discussion about this Stipulation and disposition of this matter can only make recommendations to the Commission. The parties further recognize that these recommendations are not binding upon the Commission, which will ultimately decide the case, and this agreement is subject to acceptance by the Commission.
6. Riley Brothers understands that Riley Brothers has the right and has been afforded the opportunity to have this agreement reviewed by an attorney, and that in the event Riley Brothers chooses to execute this document without availing itself of this right, Riley Brothers will be deemed to have waived such right.
7. Riley Brothers specifically waives any claim that any disclosures made to the Commission for the purpose of consideration of this agreement may have prejudiced Respondent's rights to a fair and impartial hearing in the event this agreement is not accepted by the Commission and further proceedings are necessary.
8. Riley Brothers agrees that there have been no inducements, threats, or promises made in order to obtain Riley Brother's agreement to this Stipulation.
9. Riley Brothers and the Advocacy Staff further agree that all statements contained in this agreement are based upon the facts known to the Advocacy Staff as of the date of the execution of this agreement.

Dated this 2nd day of July 2010

Dated this 2nd day of July 2010

By: Chris Riley
Cl Riley (name)
President (title)
 Riley Brothers Construction
 P.O. Box 535
 Morris, MN 56267
 320-589-2500
darleneh@rileybrothers.com

By: Ilona A. Jeffcoat-Sacco
 Ilona A. Jeffcoat-Sacco
 Special Assistant Attorney General
 ND Bar No. 03315
 600 E. Boulevard Avenue, Dept 408
 Bismarck, ND 58505
 (701) 328-2407
 (701) 328-2410 (fax)
ijs@nd.gov
 Attorney for North Dakota
 Public Service Commission
 Advocacy Staff