

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Riley Brothers Construction & ND DOT
Damage Prevention Enforcement**

Case No. WM-09-640

**ORDER APPROVING STIPULATION
August 24, 2010**

Preliminary Statement

On April 29, 2010, North Dakota Public Service Commission Advocacy Staff (Advocacy Staff), filed a complaint against Riley Brothers Construction, Incorporated.

On May 12, 2010, the Public Service Commission (Commission) found that the Complaint states a prima facie case and served the Complaint on the Respondent, Riley Brothers Construction (Riley Brothers).

On May 24, 2010, Riley Brothers filed its answer to the complaint.

On July 2, 2010, Advocacy Staff filed a Stipulation between the Advocacy Staff and Riley Brothers.

On July 14, 2010, the Commission passed a Motion approving the Stipulation.

Discussion

By signing the Stipulation, the Respondent admitted the violation, agreed to imposition of a \$500.00 penalty, and waived any procedural irregularity and the right to hearing on the Complaint.

Having reviewed the pleadings and the Stipulation, the Commission agrees that the Stipulation is a reasonable resolution of this matter and should be approved.

Therefore, the Commission makes the following:

Order

The Commission orders:

1. The Stipulation entered into between Complainant and Respondent is approved.
2. Respondent, Riley Brothers Construction Incorporated, violated North Dakota Century Code Chapter 49-23 by failing to comply with the One Call procedures required by North Dakota Century Code Section 49-23-04.
3. Respondent, Riley Brothers Construction Incorporated, shall pay a civil penalty in the amount of \$500.00 within 30 days of the issuance of this Order.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner