

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
COLORADO

Proceeding No. 13G-1145CP
Civil Penalty Assessment Notice No. 107858

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

SPRINGS CAB, LLC, d/b/a SPRING CAB,

Respondent.

AMENDED STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission (“Staff”) and Respondent Springs Cab, LLC (“Respondent”) (collectively, the “Parties”) enter into this Stipulation and Settlement Agreement (“Agreement”) in the above-referenced Docket as a complete and final resolution of all issues that were or could have been raised in this proceeding.

Background

On October 20, 2013, PUC Investigator Mike Gullatte issued Respondent Civil Penalty Assessment Notice No. 107858 (the “CPAN”) alleging one violation of 4 *Code of Colorado Regulations* (“CCR”) § 723-6-6007(a)(I) (operating as a transportation carrier without motor vehicle liability insurance); one violation of 4 CCR § 723-6-6007(f)(I)(A) (failure to file with the PUC the appropriate form for motor vehicle liability insurance); and sixteen violations of § 40-10.1-201(1), C.R.S.

(operating or offering to operate as a common carrier without authority) and seeking civil penalties of \$31,762.50 (or \$15,881.25 if paid within 10 days). The CPAN was served on Respondent by certified mail on October 25, 2013.

Settlement Agreement

Staff and Respondent hereby stipulate and agree as follows:

1. Respondent admits liability to all the violations in the CPAN.
2. Respondent agrees to comply with all Colorado and federal statutes and rules concerning common carriers and motor carriers, including but not limited to rules concerning the operation as a transportation carrier without motor vehicle liability insurance, filing a certificate of financial responsibility with the PUC, and operating or offering to operate as a common carrier without authority.

3. The Agreement herein has been reached in the spirit of compromise and in light of the uncertainties of trial. The Agreement has also been reached to avoid the costly expense of litigation. The Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to hearing this matter. The public interest is served by requiring the payment by Respondents of a civil penalty in the amount of \$10,000.00 under the terms in this Agreement. In reducing the penalty, Staff considered the following mitigating factors pursuant to Commission Rule 1302(b):

- a. Respondent acknowledged wrongdoing.
- b. Respondent admits the maximum level of culpability for all violations in the CPAN.

- c. Respondent actively and timely contacted Staff to resolve the issue.
- d. Respondent has subsequently corrected all violations in the CPAN.
- e. Respondent has obtained and filed with the PUC the appropriate certificate of financial responsibility.
- f. Respondent understands that motor vehicle liability insurance is required to be filed with the PUC.
- g. Assessing the full CPAN amount would cause financial hardship on Respondent.
- h. Assessing Respondent a civil penalty of \$10,000 under the terms herein is sufficient motivation for Respondent to remain in compliance with the Public Utilities Laws and Commission Rules on a going-forward basis.

4. In consideration of Respondent's admission of liability, and for the reasons expressed above, Staff agrees reducing the amount of the civil penalty from \$31,762.50 to \$10,000.00 is appropriate and in the public interest. This settlement amount consists of a \$9,090.91 penalty, plus a ten-percent surcharge of \$909.09 pursuant to § 24-34-108, C.R.S.

5. Respondent shall pay the total amount of \$10,000.00 in one payment, due within 10 days of the Commission's final order approving this settlement agreement.

6. If Respondent fails to make this payment when due, Respondent shall be liable for the full civil penalty amount of \$31,762.50, which amount will be due immediately.

7. Respondent further agrees that if, during any investigation(s) conducted by Staff within twelve months of the date of a Commission final order in this Docket, the Commission finds any violations of the same rules or statutes or of a similar nature as any of the violations for which Respondent has admitted liability, Respondent shall be liable for the full civil penalty, less payments made. In this event, the remaining full civil penalty will be due immediately. Respondent and Staff agree the specific intent of this provision is to prevent further violations of the Public Utilities Laws and Commission Rules.

8. All matters that were raised or could have been raised in this Docket relating to the issues specifically identified and addressed herein have been resolved by this Agreement. This Agreement may be executed in counterparts, each of which when taken together shall constitute the entire Agreement of the Parties, and no further modification of this Agreement is allowed, except in writing by the parties, and further agreed to in an order issued by the Commission.


9. Respondent's failure to complete its payment obligation as set forth in this Agreement shall also be deemed a waiver by Respondents of any and all rights to file exceptions and/or a request for rehearing, reargument, and reconsideration, or to file any other form of appeal.

10. In the event that this Agreement is modified or not approved in its entirety, either Party, at that Party's option, may withdraw from this Agreement by filing a notice with the Commission in this Docket within seven days of entry of such

Order. In that event, this Agreement shall be void and this matter shall be set for hearing.

Executed this 27th day of February, 2014.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

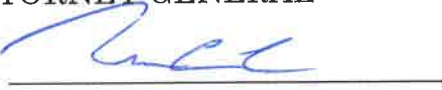
By: 
Cliff Hinson
Manager, Investigations and Compliance
Colorado Public Utilities Commission
1560 Broadway Suite 250
Denver, Colorado 80202

SPRINGS CAB LLC

By: 
Ali Gulaid, Owner
10222 West Ottawa Place
Littleton, CO 80127

Approved as to form:

JOHN W. SUTHERS,
ATTORNEY GENERAL

By: 
Michael J. Axelrad, #24460*
Assistant Attorney General
Revenue and Utilities Section
1300 Broadway, 8th Floor
Denver, Colorado 80203
Telephone: (720) 508-6359
Facsimile: (720) 508-6038
michael.axelrad@state.co.us

COUNSEL FOR STAFF OF THE
PUBLIC UTILITIES COMMISSION

*Counsel of Record