

Settlement Agreement
Exhibit B– Motion to Approve Settlement
Docket 10G-881EC
Page 1 of 3

Stipulation and Settlement Agreement

This Stipulation and Settlement Agreement is entered into by and between Trial Staff of the Commission (“Staff”) and Denver Limo, Inc. (“Respondent”) as a result of Docket NO. 10G-881EC in which the Respondent was cited in a civil penalty notice assessment for alleged violations of 4 CCR 723-6-6015(g)(1);¹ 49 CFR 382.301(a); 40 CFR 391.45(b)(1) or 4 CCR 723-6-6103(b)(IV) of the Transportation Rules of the Colorado Public Utilities Commission (“Colorado Commission” or “Commission”).

1. This Respondent admits liability to all violations in CPAN No. 97177—that is, Violation Nos. 1 through 8, which is attached as Exhibit A.
2. This Agreement has been reached in consideration of Respondent’s admission of liability in Paragraph 1, above, and in the spirit of compromise and in light of the uncertainties of trial, and to avoid the costly expense of litigation. The Parties also agree that this Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to a full hearing on this matter, as well as in consideration of the amount of monies that would have been spent by either party on attorney’s fees and costs. For these reasons and the reasons set out in Paragraph 7 below, The Parties have agreed to a reduction in the amount of the civil penalty from \$5,142.50 to \$3,000.00, payable in two monthly installments of \$1500.00 each. These amounts include the 10% surcharge pursuant to C.R.S. § 24-34-108.
3. Respondent agrees to pay the first installment of \$1500.00 to the Colorado Public Utilities Commission within ten days of a final decision of the Commission in this case. Respondent further agrees to pay the second installment of \$1500.00 within 40 days of the final Commission decision. Respondent has recognized that failure to comply with the payment plan established herein will result in the full CPAN amount of \$ 5,142.50 being due and payable immediately, less any payments, if any, made to that point, without any further hearing.

¹ The correct citation for this admitted violation is 4 CCR 723-6-6105(g)(1). This reference was changed by Commission Decision No. R10-0778 dated July 27, 2010 which amended this rule by moving it from 4 CCR 723-6-6015(g) to 4 CCR 723-6-6105(g). These rules became effective on October 15, 2010. The Respondent stipulates that the violation occurred and also stipulates that CPAN 97177 should be modified pursuant to C.R.S. § 40-7-116(2).

4. Respondent agrees and stipulates that failure to pay the settlement amount as agreed shall also be deemed as a waiver by Respondent of any and all rights to file exceptions and/or to all rights to file a request for rehearing, reargument and reconsideration or any other form of appeal. This result will mean that no additional administrative or adjudicatory time and expense be incurred by the Commission, Staff and/or the Respondent.
5. Respondent further agrees that if during any investigations conducted by the Staff of the Commission within one year of the date of a Commission final order in this docket, should any violations for any of the Counts in which the Respondent has admitted liability be found, Respondent shall be liable for the full amount pertaining to this docket of \$5142.50, less any payments made in accordance with paragraph 3 above. In the event such occurs, such payment will be due immediately. Respondent and Staff agree that the specific intent of paragraph 5 is to prevent further violations of Commission rules.
6. In addition to the reasons expressed in paragraph 1, 2, and 3 above, Staff and Respondent have agreed to the following stipulation of facts to be considered by the ALJ for consideration of approval of this agreement pursuant to Commission Rule 1302(b):
 - a. The violations admitted to by the Respondent occurred after a Transportation Safety and Compliance Review by Staff of the Commission, to determine if Respondent was operating a limousine business in compliance with the Public Utilities Safety rules. The investigation was conducted by Commission Investigator Monita Pacheco as part of her regular duties as a criminal investigator for the Colorado Public Utilities Commission.
 - b. The Respondent has admitted to the maximum level of culpability for all violations.
 - c. The Respondent, upon receipt of the Civil Penalty Assessment Notice, immediately began correcting all alleged violations set forth in the CPAN 97177. Respondent has further provided evidence to Staff that the Respondent has complied with all the necessary PUC filings to come into compliance with the Commission safety rules. Both Staff and Respondent consider this fact to be a good faith showing of an attempt to be in compliance with Commission Rules as well as a fact indicating the Respondent's intent to prevent similar violations.
7. The Parties agree that 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 the Stipulation and Agreement. This Stipulation and 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 a further order issued by the Public Utilities Commission.

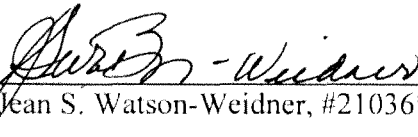
EXECUTED this 14th day of February 2011.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

Approved as to form:

JOHN W. SUTHERS, ATTORNEY GENERAL

By: 
Robert Laws

By: 
Jean S. Watson-Weidner, #21036*

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**COUNSEL FOR STAFF OF THE
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*Counsel of Record

DENVER LIMO INC.

By: _____

Vladislav Litvinenko, Operations Officer of Denver Limo as agent for Igor Davidson, Owner
16628 E. 2nd Ave.,
Aurora, Colorado 80011
Telephone: 720-422-6284

EXECUTED this ___ th day of February 2011.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

Approved as to form:

JOHN W. SUTHERS, ATTORNEY GENERAL

By: _____
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