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PUBLIC UTILITIES COMMISSION

2003 JUL 24 PM 4:00

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

DOCKET NO. 02G-375EC

Civil Penalty Assessment Notice No. 27849

STIPULATION AND SETTLEMENT AGREEMENT

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

GOLDEN WEST LIMOUSINE SERVICE, LLC.,

Respondent.

Staff of the Public Utilities Commission of the State of Colorado (Staff) and Golden West Limousine Service, LLC. (Golden West Limo) (collectively, the Parties), enter into this Stipulation and Settlement Agreement (Stipulation) to stipulate and to settle all disputed issues arising out of Civil Penalty Assessment Notice No. 27849 (CPAN No. 27849). Staff and Golden West Limo respectfully submit that this Stipulation is just and reasonable. The Parties believe that this Stipulation is justified on its face and, therefore, the Public Utilities Commission of the State of Colorado (Commission) should approve it without hearing.

Mr. Richard Bara, counsel for Golden West Limo, states that he has the authority to execute the Stipulation on behalf of Golden West Limo. Staff states that the undersigned member of Staff has the authority to execute the Stipulation on behalf of Staff.

I. BACKGROUND

1. On July 15, 2002, Staff issued CPAN No. 27849 to Golden West Limo. CPAN No. 27849 is Attachment A to the Stipulation, and is incorporated by reference herein. CPAN No. 27849 cites Golden West Limo for one violation of § 40-16-102.5, C.R.S. The basis for the violation is a failure to have a manifest or charter order in the limousine at the time of the Staff inspection that occurred at Denver International Airport. The alleged violation occurred on July 10, 2002. Staff sought a penalty assessment of \$400.
2. Golden West Limo admits that at the time of the inspection there was no manifest or charter order in the subject limousine.
3. Mr. Bara, as counsel for Golden West Limo, is authorized to agree to the terms of the Stipulation on behalf of Golden West Limo.

II. STIPULATION

The Parties agree that the Stipulation resolves all of the issues that were or could have been raised in this matter. In general terms, Staff is accepting reduced payment in satisfaction of the assessed civil penalty in response to measures undertaken by Golden West Limo to ensure compliance with the requirement that a manifest or completed charter order is carried in the limousine when necessary.

1. Staff is willing to accept a reduced payment of \$200 for the civil penalty assessed by CPAN No. 27849.

2. Staff's acceptance of a reduced penalty of \$200 is appropriate in light of the measures undertaken by Golden West Limo to ensure future compliance with the requirement of § 40-16-102.5, C.R.S.: "A luxury limousine company shall, at all times when providing service, carry in each vehicle a manifest or charter order containing the name and pickup address of the passengers who have arranged for the use of the vehicle."

3. Golden West Limo shall remit to the Commission the amount of \$200 for satisfaction of CPAN No. 27849. Golden West Limo shall remit the \$200 within 10 days of the final Commission decision in this docket.

4. Golden West Limo agrees that, if it fails to comply with the provisions of Paragraph II.3, then a) the admission of liability as stated above shall be conclusive evidence that the violation occurred and that the fine assessed is justified and b) the full \$400 assessed by CPAN No. 27849 shall be immediately due and payable.

III. GENERAL PROVISIONS

1. The Parties agree that the Stipulation should be approved in its entirety.

2. The Parties agree that reaching this agreement by means of negotiation and settlement rather than through litigation is in the public interest and that that results of the compromises and settlements reflected in the Stipulation are in the public interest. The Parties further agree that all matters that were raised or could have been raised in this docket have been resolved by the Stipulation. This resolution depends upon Golden West Limo meeting the terms set forth in Section II above.

3. The Stipulation has been entered into between the Parties solely for the purpose of settlement and resolution of the issues in this proceeding. Therefore, the issues and matters resolved by the Stipulation apply only to this docket and the issues raised. Except as otherwise provided, the Parties reserve the right in the future to advocate positions different from those stated in the Stipulation. Nothing in the Stipulation shall constitute a waiver by any party with respect to any matter not specifically addressed.

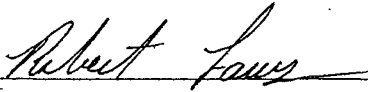
4. If the Stipulation is not approved in its entirety, the Stipulation shall be null and void. If the Commission imposes conditions or modifications to its approval of the Stipulation which are unacceptable to a party, such party shall notify the other party within five (5) days after the date the Commission's decision becomes final, which shall be effective notice to render the Stipulation null and void. In that event, this matter shall be set for hearing.

5. The Stipulation may be executed in counterparts, each of which when taken together shall constitute the entire stipulation.

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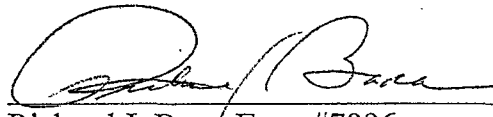
DATED this 23rd day of July 2003.

**For Staff of the Colorado Public Utilities
Commission:**



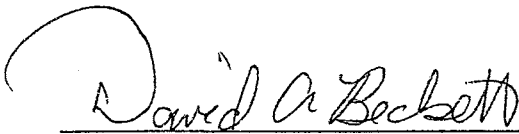
Robert Laws
Compliance Investigator III
Public Utilities Commission
1580 Logan St., OL-1
Denver, CO 80203

For Golden West Limousine, LLC.:



Richard J. Bara, Esq., #7886
1155 Sherman Street, Suite 315
Denver, CO 80203
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FAX: (303) 831-7363

Approved as to form:



David A. Beckett, 23098*
Assistant Attorney General
Business and Licensing Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-5135
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Attorney for Staff of the Public Utilities
Commission

AG ALPHA: RG PV DFDSB
AG FILE: P:\RL\RLBECKDA\PUC\GoldenWestLimoStip^375EC.doc

Mailing Address: PO Box 29408, Thornton, Co 80229

ATTACHMENT A

THIS IS A LEGAL DOCUMENT -- PLEASE READ ALL ENCLOSED INFORMATION

This document provides you information about your options upon receipt of this notice. You may pay this civil penalty by mail or in person. Or, you may contest the penalty at a hearing. Please read carefully the following instructions.

CIVIL PENALTY ASSESSMENT NOTICE INSTRUCTIONS

The notice you have received is called a Civil Penalty Assessment Notice. The penalty for the alleged violation(s) is described on the preceding pages. It is the prescribed penalty for the stated violation(s) as required by law and specified in the Public Utilities Commission's Rules and Regulations Concerning Civil Penalties for Carriers. You may pay this penalty by mail or in person.

By paying the Civil Penalty Assessment, you acknowledge your liability.

Your payment may be made by money order or check. Do not mail cash. If the payment is mailed, it must be postmarked no later than 10 days from the date of issuance of this notice. This date appears on the fourth line from the bottom of the previous page.

To receive credit for payment, please sign on the previous page of this notice on the signature line adjacent to the statement "UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE LIABILITY OF ALL VIOLATION(S) HEREIN" and enclose this signed notice with the payment. The address to mail or pay in person is:

Public Utilities Commission
1580 Logan Street, Office Level Two
Denver, CO 80203

COMPLAINT TO APPEAR NOTICE INSTRUCTIONS

If you decide to not pay the penalty and want to contest it, you are required to contact the Public Utilities Commission by 4 p.m. on or before the date and at the telephone number shown on the previous page. When you call the Commission, be prepared to provide dates when you will be available to attend a hearing on this issue. If you fail to contact the Commission before 4 p.m. on the date shown, the Commission shall set the hearing date without any preference to your wishes. You will be notified about the hearing date. If you are under 18 years of age, you must be accompanied by a parent or a guardian at the hearing.

CERTIFICATE OF SERVICE

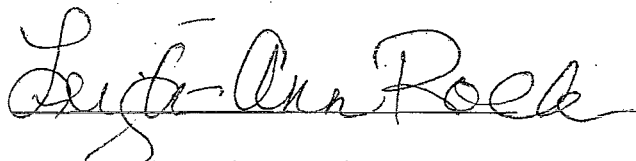
This is to certify that I have duly served the within STIPULATION AND SETTLEMENT AGREEMENT upon all parties herein by depositing copies of same in the United States mail, first class postage prepaid, or as otherwise indicated, at Denver, Colorado, this 24 day of July, 2003, addressed as follows:

Richard J. Bara, Esq.
1155 Sherman Street, Suite 315
Denver, CO 80203

**Robert Laws
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203
BY INTERDEPARTMENTAL MAIL

**Reinhard Wolf
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203
BY INTERDEPARTMENTAL MAIL

Gary Gramlick
Advisory Staff
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203
BY INTERDEPARTMENTAL MAIL



**denotes persons eligible to receive confidential proprietary information pursuant to the Commission's rules on confidentiality, 4 CCR 723-16.