

Decision No. R03-0151

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02G-513EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

SCENE MAGAZINE,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
ACCEPTING STIPULATION OF SETTLEMENT**

Mailed Date: February 10, 2003

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On September 20, 2002, Staff of the Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice (CPAN) No. 27924 charging *Scene Magazine* (Respondent) with one violation of § 40-16-103, C.R.S.

2. On October 4, 2002, Staff issued CPAN No. 27949 amending CPAN No. 27924, charging Respondent with alternative violations, §§ 40-10-104(1), 40-11-103(1), and 40-16-103, C.R.S. The total penalty on CPAN No. 27949 is \$400.

3. On January 7, 2003, Staff and Respondent filed a Stipulation of Settlement. The Stipulation of Settlement, attached to and made a part of this decision as Exhibit A states that Respondent admits to the violations contained in CPAN No. 27949. It also states that Respondent agrees to cease all operations as a carrier for hire until authority or registration is

obtained from the Commission. Respondent has filed an application to operate as a contract carrier by motor vehicle with the Commission. In consideration of Respondent's admissions and its cooperation, Staff agrees to reduce the penalty of CPAN No. 27949 to \$200. Respondent agrees to pay \$200 to the Public Utilities Commission and in fact has paid in full the amount of \$200 to the Commission as evidenced by the receipt attached to this decision as Exhibit B in full satisfaction of the matter.

4. It is found and concluded that the Stipulation of Settlement dated January 7, 2003 is just and in the public interest. The Stipulation of Settlement is accepted.

5. Pursuant to § 40-6-109(2), C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. It Is Ordered That:

1. The Stipulation of Settlement filed on January 7, 2003 by the Public Utilities Commission of the State of Colorado and *Scene Magazine* is accepted.

2. Docket No. 02G-513EC is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

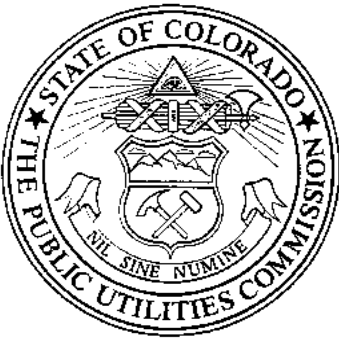
a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own

motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

WILLIAM J. FRITZEL

Administrative Law Judge