

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 03G-112CP

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MOTION TO APPROVE STIPULATION OF SETTLEMENT OF CIVIL PENALTY  
ASSESSMENT NO. 28137-CPAN AND TO CLOSE DOCKET NO. 03G-112CP.

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PUBLIC UTILITIES COMMISSION,

Complainant,

v.

SAMJA'S ENTERPRISES, INC. D/B/A EXPRESS AIRPORT TAXI/EXPRESS TAXI,  
Respondent.

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Trial Staff of the Commission ("Staff") and Samja's Enterprises, Inc. d/b/a Express Airport Taxi/Express Taxi ("Respondent") hereby move the presiding Administrative Law Judge ("ALJ") for an order approving this stipulation and closing Docket # 03G-112CP. In support of the motion, Staff and Respondent state:

1. On March 13, 2003, Civil Penalty Assessment Notice No. 28137-CPAN ("CPAN") was issued to Respondent by Commission investigator, Paul Hoffman. The CPAN was issued as the result of the periodic safety and compliance audit performed by Mr. Hoffman of the Respondent in February of 2003.

In the CPAN, Respondent was charged with thirty-four violations of commission's motor carrier safety regulations found

in Rules (4CCR) 723-15. The total amount of the CPAN is \$8,000.00.

2. On July 9, 2003, Staff and Respondent filed a Motion To Approve Stipulation of Settlement and Close Docket. In that motion, Staff and Respondent agreed to a reduction from \$8000.00 to \$3000.00.

3. On July 16, 2003, the ALJ rejected that motion in Decision No. (and subsequent Errata Notice) R03-0778-I. As grounds for the rejection, the ALJ found that the mitigating factors contained in that motion lacked justification to warrant a reduction to \$3000.00.

4. Staff and Respondent, still desiring to compromise and settle the charges contained in the CPAN, HEREBY STIPULATE AND AGREE AS FOLLOWS:

a. Respondent admits to the thirty four violations as contained in Civil Penalty Assessment No. 28137-CPAN, totaling \$8000.00.

b. Respondent has agreed to, and has since taken, certain operational measures, to ensure that its drivers are maintaining their daily records of activity to reflect strict compliance with the safety regulations. Respondent has also agreed to remedy the issues involved in the driver qualification process by dedicating personnel to the monitoring of the driver's files on a periodic basis.

c. In consideration of Respondent's admissions in subparagraph (4)(a), above, and Respondent's cooperation detailed in subparagraph (4)(b) above, Staff agrees to reduce the amount of the penalty from \$8,000.00 to \$4,000.00.

d. **Payment Plan.** Respondent agrees to pay to the Public Utilities Commission the amount of \$4,000.00 as payment in full of 28137-CPAN. Payment is to be made in four monthly installments, with the first payment of \$1,000.00 due and payable **within 10 days** after the issuance of a final decision of the Commission approving this Stipulation. The remaining three payments will be made every thirty days thereafter, until paid in full. PROVIDED, HOWEVER, that if the Respondent does not make the payments as agreed to herein, then (1) Respondent's admissions in subparagraph (4)(a), above, shall be conclusive evidence that the violations occurred and that the fines are therefor justified, and (2) Respondent must pay the full amount of the penalty, \$8,000.00 (less any payments made up to the point of default).

5. In the event that this Stipulation is modified or not approved in its entirety, either Staff or Respondent, at that party's option, may withdraw from this Stipulation. In that event, Docket No. 03G-112CP shall be set for hearing.

6. The Staff of the Colorado Public Utilities Commission and Respondent move that the presiding Administrative Law Judge accept this Stipulation in settlement of 28137-CPAN, issue an order

consistent with this Stipulation and its provisions, and close  
Docket No. 03G-112CP.

Dated this 22<sup>nd</sup> day of July, 2003.

For Samja's Enterprises, Inc. D/B/A Express Airport Taxi/Express  
Taxi:



Date: 7/22/03

Earl Elsrode, General Manager  
Express Airport Taxi/Express Taxi  
1812 East Vrain Avenue  
Colorado Springs, CO 80909

For Staff of the Colorado Public Utilities Commission

\_\_\_\_\_  
Date: \_\_\_\_\_

Robert Laws, Senior Compliance Investigator  
Colorado Public Utilities Commission  
1580 Logan Street, OL2  
Denver, CO 80203

For Samja's Enterprises, Inc. D/B/A Express Airport Taxi/Express  
Taxi:

\_\_\_\_\_  
Date: \_\_\_\_\_

Earl Elsrode, General Manager  
Express Airport Taxi/Express Taxi  
1812 East Vrain Avenue  
Colorado Springs, CO 80909

For Staff of the Colorado Public Utilities Commission

*Robert Laws* Date: 7/23/03.

Robert Laws, Senior Compliance Investigator  
Colorado Public Utilities Commission  
1580 Logan Street, OL2  
Denver, CO 80203


**CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within Motion To Approve Stipulation Of Settlement Of Civil Penalty Assessment No. 28137-CPAN and To Close Docket No. 03G-112CP upon all parties herein by depositing copies of same in the United States mail, or in person, on this 24<sup>TH</sup> day of July, 2003.

Bruce N. Smith, Director  
Public Utilities Commission  
1580 Logan Street, OL 2  
Denver CO 80203

Earl Elsrode, General Manager  
Express Airport Taxi/Express Taxi  
1812 East Vrain Avenue  
Colorado Springs CO 80909

Robert Laws  
Staff of the Commission  
1580 Logan Street, OL 2  
Denver CO 80203

  
\_\_\_\_\_  
Compliance Investigator