

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 03G-187EC

YFR

STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28149-CPAN AND MOTION TO CLOSE DOCKET NO. 03G-187EC.

PUBLIC UTILITIES COMMISSION,

Complainant,

v.

Adnane Bouayad D/B/A Fox Limousine

Respondent.

RECEIVED

JUL 28 2003

PUBLIC UTILITIES COMMISSION
STATE OF COLORADO

Trial Staff of the Commission ("Staff") and Fox Limousine ("Respondent") enter into this Stipulation and request that the Commission issue an order approving its terms as a complete resolution of all issues in this docket. In support of the Stipulation, Staff and Respondent state as follows:

1. On April 30, 2003, Civil Penalty Assessment Notice No. 28149-CPAN ("CPAN") was issued to Respondent by Commission Investigator John Opeka. Mr. Opeka issued the CPAN as the result of a complaint filed with the Commission and Mr. Opeka's subsequent investigation. A copy of the CPAN is attached as Appendix A, and by reference incorporated herein.

2. In the CPAN, Respondent was charged with one violation of Rule 9.1, of 4 CCR 723-33, External Markings.

3. Section 40-7-113(1)(g), C.R.S., and Rule 11.4 of 4 CCR 723-33, allows for a penalty of up to \$200.00 per violation. Staff sought maximum penalties in this case. The total amount of the CPAN is \$200.00.

4. For the purpose of resolving all issues in this docket, Staff and Respondent now desire to compromise and settle the charges contained in the CPAN. STAFF AND RESPONDENT HEREBY STIPULATE AND AGREE AS FOLLOWS:

a. Respondent admits to all violations as contained in Civil Penalty Assessment No. 28149-CPAN.

b. Respondent has removed all external markings from his vehicle.

c. In consideration of Respondent's admissions in subparagraph (4)(a), above, and Respondent's cooperation detailed in paragraph (4)(b) above, Staff agrees to reduce the amount of the penalty from \$200.00 to \$100.00.

d. **Payment.** Respondent agrees to pay to the Public Utilities Commission the amount of \$100.00 as payment in full for the CPAN. Payment is to be made **within ten days** after the issuance of a final decision of the Commission approving this Stipulation. PROVIDED, HOWEVER, that if the Respondent does not make the payment as agreed to herein, then (1) the Respondent's


admissions in subparagraph (4) (a), above, shall constitute conclusive evidence that the violations occurred and that the fines therefor are justified, and (2) the Respondent shall be immediately liable for the full amount of the penalty, \$200.00.

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-187EC shall be set for hearing.

6. The Staff of the Colorado Public Utilities Commission and Respondent request that the presiding Administrative Law Judge accept this Stipulation in settlement of 28149-CPAN, issue an Order consistent with this Stipulation and its provisions, and close Docket No. 03G-187EC.

Dated this 28TH day of July, 2003.

For Fox Limousine



Adnane Bouayad

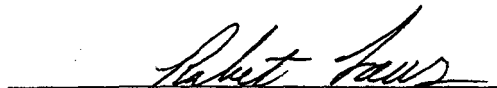
Fox Limousine

1150 Inca Street Apt 63

Denver, CO 80204-3567

Date: 7/28/03.

For Staff of the Colorado Public Utilities Commission



Date: 7/28/03

Robert Laws, Senior Compliance Investigator

Colorado Public Utilities Commission

1580 Logan Street, OL2

Denver, CO 80203

Appendix A
Docket No. 03G-187EC
Decision No. R03-0870
August 5, 2003
Page 5 of 7

Adnane Bouayad
DBA Fox Limousine
PUC Authority #: LL-00896
1150 Inca Street Apt 63
Denver, CO 80204-3567

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
1	03/28/2003	4 CCR 723-33-9.1	External Graphics (License Plate Holder).	Denver	\$200.00

Total Penalty: \$200.00

I HEREBY ACKNOWLEDGE RECEIPT OF THIS NOTICE.

Respondent's Signature

UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE
LIABILITY OF ALL VIOLATIONS HEREIN.
(See Instructions on Last Page)

Respondent's Signature

If the penalty assessment is not paid within ten days of the issuance of this notice, then you must contact the Public Utilities Commission by 4:00 p.m. on June 1st, 2003 to set the alleged violation(s) for hearing. Call the P.U.C. at 800/888-0170, ext. 2824, or 303/894-2824.

THE UNDERSIGNED HAS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT COMMITTED THE VIOLATION(S) CITED AND AFFIRMS THAT A COPY OF THIS CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR WAS DULY SERVED UPON THE RESPONDENT.

COMPLAINANT J.P. Opeka #5011
print last name

COMPLAINANT _____
signature

INVESTIGATIVE PERSONNEL OF THE COLORADO PUBLIC UTILITIES COMMISSION

DATED THIS 30th DAY OF April, 2003

Copy Distribution: #1: Commission Records #3: Enforcement -
 #2: Respondent #4: Colorado Attorney General

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

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 OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28149-
CPAN AND MOTION TO CLOSE DOCKET NO. 02G-187EC upon all parties
herein, by U.S. mail or in person, on this 28th day of
JULY, 2003.

Adnane Bouayad
Fox Limousine
1150 Inca Street Apt 63
Denver, CO 80204-3567

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

Robert C. Laws
Staff of the Commission
1580 Logan Street, OL2
Denver, CO 80203


COMPLIANCE INVESTIGATOR