

Decision No. R04-0042

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03G-486EC

PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

JONATHAN LEVINE, D/B/A VAIL LUXURY LIMO,

RESPONDENT.

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

Mailed Date: January 13, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On November 5, 2003, Staff of the Public Utilities Commission (Complainant) issued Civil Penalty Assessment Notice (CPAN) No. 28377 to Jonathan Levine, doing business as Vail Luxury Limo (Respondent).

2. Respondent was charged with one violation of § 40-16-103, C.R.S., offering services as a luxury limousine without registering with the Public Utilities Commission. The date of the alleged violation is November 1, 2003. The penalty is \$1,100 as provided by Rule 4 *Code of Colorado Regulations* 723-33-11.1.

3. On December 30, 2003, Complainant and Respondent filed a Stipulation of Settlement of CPAN No. 28377. Under the terms of the Stipulation, Respondent admits to the

violation. Respondent also agrees to cooperate with Complainant and has registered his luxury limousine operation.

4. The Stipulation states that in consideration of Respondent's admission and cooperation, Complainant agrees to reduce the amount of the penalty from \$1,100 to \$550.

5. It is found that the Stipulation of Settlement of CPAN No. 28377 is just and in the public interest. The Stipulation of Settlement should be accepted.

II. ORDER

A. The Commission Orders That:

1. The Stipulation of Settlement of Civil Penalty Assessment Notice No. 28377 filed by Staff of the Public Utilities Commission and Jonathan Levine, doing business as Vail Luxury Limo is accepted.

2. Jonathan Levine, doing business as Vail Luxury Limo shall remit to the Public Utilities Commission the amount of \$550 within ten days of the effective date of this Recommended Decision approving the Stipulation of Settlement.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge