

Decision No. R04-0078

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03G-454CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

SUPERSHUTTLE INTERNATIONAL DENVER, INC.,

RESPONDENT.

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

Mailed Date: January 21, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On October 16, 2003, Staff of the Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice (CPAN) No. 28363 to SuperShuttle International Denver, Inc. (Respondent).

2. Respondent was charged with ten violations of 4 *Code of Colorado Regulations* (CCR) 723-15-2.1.

3. The Commission's rule cited above provides:

Except as otherwise provided in these rules, the Commission incorporates by reference the regulations published in Title 21, Code of Federal Regulations § 1308.11, revised as of April 1, 1999, and Title 49, Code of Federal Regulations, Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, and 399, and Appendix G to Subchapter B of Chapter III, revised as of October 1, 1998. No later amendments

to or additions of the Code of Federal Regulations are incorporated into these rules.

4. Complainant alleges by CPAN No. 28363 that on September 1, 2003, Respondent committed four violations of 49 Code of Federal Regulations (CFR) Part 395.8(a); three violations of 49 CFR Part 396.3(b)(3); and on September 1, 2, and 4, 2003 Respondent committed three violations of 49 CFR Part 396.11(a).

5. The Commission is authorized under the provisions of § 40-7-113(2), C.R.S., to impose by rule, the amount of penalty for the violations alleged in CPAN No. 28363.

6. The correct penalty for each violation cited in CPAN No. 28363 is \$200 under the provisions of 4 CCR 723-15-12.7, rather than the penalty of \$500 charged for each offense in CPAN No. 28363. Therefore, the correct total penalty for CPAN No. 28363 is \$2,000.

7. Under the terms of the Stipulation and Settlement Agreement, attached to and made a part of this Recommended Decision, Complainant and Respondent acknowledge that pursuant to the Commission's Rule, 4 CCR 723-15-12.7, the correct total penalty charged in CPAN No. 28363 should be \$2000 rather than \$5000.

8. Respondent admits to violations as charged in CPAN No. 28363. Respondent has implemented measures to ensure compliance with the appropriate rules. In return, Staff agrees to accept a reduced payment of \$1,000 in satisfaction of the CPAN.

9. It is found and concluded that the Stipulation and Settlement Agreement is reasonable, just, and in the public interest. The Stipulation and Settlement Agreement should be accepted.

II. ORDER**A. The Commission Orders That:**

1. The Stipulation and Settlement Agreement filed by Staff of the Public Utilities Commission and SuperShuttle International Denver, Inc., on January 5, 2004 is accepted.

2. SuperShuttle International Denver, Inc., shall remit to the Commission the amount of \$1,000 within ten calendar days of the effective date of this Recommended Decision.

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