

Decision No. R04-0584

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-239CP

PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

FREEDOM CABS, INC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
ASSESSING CIVIL PENALTY
AND CLOSING DOCKET**

Mailed Date: June 3, 2004

I. STATEMENT

1. This proceeding was instituted by the issuance of Civil Penalty Assessment Notice (CPAN) No. 28596 on May 11, 2004. The CPAN alleges one violation of Rule 2.1 of 4 *Code of Colorado Regulations* 723-15 and Part 393.75(b), namely, inadequate tire tread. The CPAN sought a penalty of \$200, or \$100 if paid within ten days. On May 18, 2004, Respondent Freedom Cabs, Inc., paid the \$100. Therefore the civil penalty should be accepted and the docket closed.

2. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

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

1. Payment in full for Civil Penalty Assessment Notice No. 28596 from Freedom Cabs, Inc., in the amount of \$100 is hereby acknowledged. Docket No. 04G-239CP is closed.

2. 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.

3. 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.

4. 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