

Decision No. R04-0843

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-199EC

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

WAFI SHABAN, DOING BUSINESS AS LA VETA LIMO,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DISMISSING PROCEEDING
AND CLOSING DOCKET**

Mailed Date: July 22, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. This proceeding was initiated on or about April 26, 2004, when the Staff of the Colorado Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice No. 28583 to the Respondent, Wafi Shaban, doing business as La Veta Limo (Shaban).

2. On June 2, 2004, the Commission issued an Order setting this matter for hearing on July 21, 2004.

3. The matter was called for hearing at the assigned place and time. Mr. John Opeka, a Commission Enforcement Officer, appeared on behalf of Staff. Shaban appeared *pro se*.

4. As a preliminary matter, Staff's motion that this matter be dismissed, without prejudice, was granted by the undersigned administrative law judge.

5. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The motion of the Staff of the Colorado Public Utilities Commission to dismiss this proceeding, without prejudice, is granted.

2. The captioned proceeding is dismissed, without prejudice, and Docket No. 04G-199EC is closed.

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