

Decision No. R04-0944

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-267EC

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

ADVENTURE PARTY CRUISES, INC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING UNOPPOSED MOTION,
DISMISSING CPAN, VACATING
HEARING, CLOSING DOCKET, AND
WAIVING RESPONSE TIME**

Mailed Date: August 11, 2004

I. STATEMENT, FINDINGS, AND CONCLUSION

1. On May 25, 2004, Staff of the Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice (CPAN) No. 28618 to Adventure Party Cruises, Inc. (Respondent). Staff charged Respondent with two violations of § 40-16-103, C.R.S., for operating a luxury limousine without being registered with the Commission.

2. By Order Setting Hearing and Notice of Hearing issued on June 23, 2004, the Commission set the hearing in this matter for August 18, 2004. By this Order the undersigned Administrative Law Judge (ALJ) will grant the Staff's Unopposed Motion to Vacate Hearing and will vacate this hearing.

3. On August 9, 2004, Staff filed an Unopposed Motion to Dismiss Civil Penalty Assessment Notice 28618-CPAN, Vacate Hearing, and Close Docket (Motion). The ALJ finds and concludes that the Motion, which was filed by the party which commenced this proceeding, states good cause for dismissing the CPAN. In addition, Respondent does not oppose the Motion and, therefore, will not be prejudiced by granting the Motion. The Motion will be granted, the CPAN will be dismissed, and this docket will be closed.

4. The Motion is unopposed. In view of this fact and of the fast-approaching hearing date, response time to the Motion will be waived.

5. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion to Dismiss Civil Penalty Assessment Notice 28618-CPAN is granted.
2. Civil Penalty Assessment Notice No. 28618 is dismissed.
3. The Unopposed Motion to Vacate Hearing is granted.
4. The hearing scheduled in this matter for August 18, 2004, is vacated.
5. The Unopposed Motion to Close Docket No 04G-267EC is granted.
6. Docket No. 04G-267EC is closed.
7. Response time to the Unopposed Motion to Dismiss Civil Penalty Assessment Notice 28618-CPAN, Vacate Hearing, and Close Docket is waived.

8. 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.

9. 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.

10. 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

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