

Decision No. R04-0971

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-400CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

SUPERSHUTTLE INTERNATIONAL, INC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
ACCEPTING PAYMENT IN
SETTLEMENT OF CIVIL PENALTY
ASSESSMENT AND CLOSING DOCKET**

Mailed Date: August 17, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On August 2, 2004, Staff of the Public Utilities Commission of the State of Colorado (Staff) issued Civil Penalty Assessment Notice (CPAN) No. 70616 to SuperShuttle, International, Inc., (Respondent).

2. Respondent was charged with 14 violations of 4 *Code of Colorado Regulations* (CCR) 723-15-7.2.1.3, allowing a driver to drive after being on duty 80 hours in 8 days for a total penalty of \$400 for each violation. Staff also charged Respondent with one violation of 4 CCR 723-15-2 (Code of Federal Regulations 393.75(a)(1)) operating a vehicle with tires having belt material exposed for a penalty of \$200. The total charged violations amount to

\$5,800. Respondent was given an option of a reduced penalty if half of the amount of the penalty was paid within ten days.

3. Respondent chose to pay the reduced penalty of \$2,900 within ten days of the date of the issuance of the CPAN. The Commission's records reflect that on August 9, 2004, payment in the amount of \$2,900 was tendered to the Public Utilities Commission in settlement of the charges.

4. 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 payment of \$2,900 by SuperShuttle International, Inc., in satisfaction of Civil Penalty Assessment Notice No. 70616, is accepted.

2. Docket No. 04G-400CP 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