

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12G-387TO

Civil Penalty Assessment Notice No. 103304

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**STIPULATION AND SETTLEMENT AGREEMENT**

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COLORADO PUBLIC UTILITIES COMMISSION,

Complainant,

v.

PARKING AUTHORITY LLC,

Respondent.

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Staff of the Public Utilities Commission (Staff) and Respondent Parking Authority LLC (Respondent) (collectively Parties) enter into this Stipulation and Settlement Agreement (Agreement) in the above-referenced Docket as a complete and final resolution of all issues.

**Background**

On April 11, 2012, the Commission issued Respondent Civil Penalty Assessment Notice No. 103304 (the CPAN) seeking civil penalties of \$1,210.00 (or \$605.00 if paid within 10 days).

The CPAN alleged four counts in violation of 4 CCR 723-6-6508(b)(II), 6511(b)(III), 6512(a), and 6509(a)(XIII).

**Settlement Agreement**

Staff and Respondent hereby stipulate and agree as follows:

1. Respondent admits liability to Count II in the CPAN, failure to accept a drop fee, in violation of 4 CCR 723-6-6511(b)(III).

2. The Agreement herein has been reached in the spirit of compromise and in light of the uncertainties of trial. The Agreement has also been reached to avoid the costly expense of litigation. The Parties note that the Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to hearing this matter. The Parties submit the public interest is served by assessing Respondent a reduced civil penalty of \$302.50 under the terms herein. In reducing the penalty, the Parties considered the following mitigating factors pursuant to Commission Rule 1302(b):

- a. Respondent acknowledges wrongdoing and has taken corrective action.
- b. Respondent admits the maximum level of culpability for all the violations in the CPAN.
- c. This is the first time Respondent was issued a CPAN for these violations.
- d. Respondent fully cooperated with Staff in resolution of this matter. Respondent has taken corrective actions to be in compliance with the Public Utilities Laws and Commission Rules.
- e. Assessing Respondent a civil penalty of \$302.50 under the terms herein is sufficient to motivate Respondent to remain compliant with the Public Utilities Laws and Commission Rules on a going-forward basis.

3. In consideration of Respondent's admission of liability in paragraph 1, and for the reasons expressed in paragraph 2, Staff agrees reducing the amount of the civil penalty from \$1,210.00 to \$302.50, which amount includes a 10% surcharge pursuant to C.R.S. § 24-34-108, is appropriate and in the public interest.

4. Respondent agrees to make one full \$302.50 payment of the negotiated settlement amount no later than ten (10) days after the Commission's approval of this Agreement becomes

final. For purposes of this Agreement, a final Commission decision shall mean the date when the Recommended Decision of the administrative law judge approving or modifying this Agreement becomes a decision of the Commission.

5. Respondent agrees the failure to pay the settlement amount or to complete all of its obligations as set forth in this Agreement will result in Respondent being liable for the full civil penalty without any further hearing or administrative or adjudicatory process.

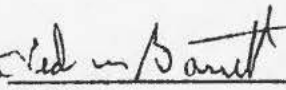
6. Respondent agrees and stipulates the failure to complete its obligations as set forth in this Agreement and/or pay the settlement amount within ten (10) days of the Commission final order shall also be deemed a waiver by Respondent of any and all rights to file exceptions and/or a request for rehearing, reargument, and reconsideration or any other form of appeal. This result will mean neither the Commission nor Staff will incur additional time and expense to prosecute the full civil penalty.

7. The Parties agree all matters that were raised or could have been raised in this Docket relating to the issues specifically identified and addressed herein have been resolved by this Agreement. This Agreement may be executed in counterparts, each of which when taken together shall constitute the entire Agreement of the Parties, and no further modification of this Agreement is allowed, except in writing by the parties, and further agreed to in an order issued by the Commission.

8. In the event that this Agreement is modified or not approved in its entirety, either Party, at that Party's option, may withdraw from this Agreement by filing a notice with the Commission in this Docket within seven (7) days of entry of such Order. In that event, this matter shall be set for hearing.

EXECUTED this 19th day of June 2012.

STAFF OF THE COLORADO  
PUBLIC UTILITIES COMMISSION

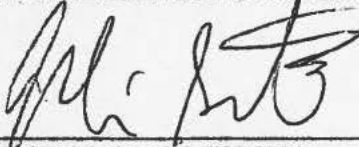
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JOHN W. SUTHERS, ATTORNEY GENERAL

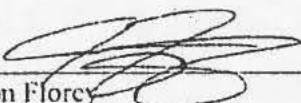
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