

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

Proceeding No. 15G-0995CP

Civil Penalty Assessment Notice No. 114371

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

DASHABOUT TOWN TAXI LLC,

Respondent.

STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission (“Staff”) and Respondent Dashabout Town Taxi LLC (“Respondent”) (collectively, the “Parties”) enter into this Stipulation and Settlement Agreement (“Agreement”) in this docket as a complete and final resolution of all issues that were or could have been raised in this proceeding. Valera Lea Holtorf, member and manager of Dashabout Town Taxi LLC, has authority to enter into this settlement on behalf of Respondent.

Background

On December 14, 2015, the Commission issued Respondent Civil Penalty Assessment or Notice of Complaint to Appear No. 114371 (the “CPAN”) seeking civil penalties of \$14,162.50 (or \$7,081.25 if paid within 10 days). The CPAN alleged 25 violations of 4 CCR 723-6-6105(c); 10 violations of 4 CCR 723-6-6103(c)(II)(D); and

two violations of 4 CCR 723-6-6102(a)(I) and 49 C.F.R. § 396.11(a). The CPAN was served by certified mail on December 18, 2015.

Settlement Agreement

Staff and Respondent hereby stipulate and agree as follows:

1. Respondent admits liability to all the violations in the CPAN.
2. Respondent agrees to comply with all Colorado and federal statutes and rules regarding common carriers, including the rules with regard to having drivers submit fingerprints for the required background checks, maintaining records of hours of service of drivers, and preparing and maintaining driver vehicle inspection reports.
3. This Agreement has been reached in the spirit of compromise, in light of the uncertainties of trial, and to avoid the costly expense of litigation. This Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to hearing this matter. The public interest is served by a stay of the civil penalty, subject to certain conditions as further discussed in paragraph 4 below.
4. In consideration of Respondents' admission of liability, and for the reasons expressed above, Staff agrees to stay the full penalty amount of \$14,162.50, provided that Respondent agrees (a) to correct all of the violations of the Commission's rules and regulations as cited in the CPAN, and (b) to be subject to a follow-up safety and compliance review ("SCR") will be conducted between 60 to 120 days after the decision in this matter becomes an Order by the Commission. If, during that follow-up SCR, Staff finds any violations of the same regulations and statutes as in the present

CPAN, the full amount of the CPAN, \$14,162.50, will become immediately due and payable. Respondent and Staff agree the specific intent of this provision is to prevent further violations of the Public Utilities Laws and Commission Rules.

5. 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.


6. Respondent's failure to complete its obligations as set forth in this Agreement 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 to file any other form of appeal.

7. In the event 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 days of entry of such order. In that event, this Agreement will be void and the matter will be set for hearing.

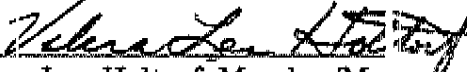
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Executed this 4th day of January, 2016.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION


By: 
Cliff Hinson
Manager, Investigations and Compliance
Colorado Public Utilities Commission
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Denver, Colorado 80202

RESPONDENT DASHABOUT TOWN TAXI LLC

By: 
Valera Lea Holtorf, Member/Manager
28548 County Road 55
Akron, CO 80720
Phone: 970-345-6613
Fax: 970-345-6616

Approved as to form:

CYNTHIA H. COFFMAN
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