

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
COLORADO

Proceeding No. 17G-0114CP

Civil Penalty Assessment Notice 114556

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

SPRING CAB LLC, DOING BUSINESS AS SPRING CAB,

Respondent.

STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission ("Staff") and Respondent Spring Cab LLC d/b/a Spring Cab ("Respondent") (collectively, the "Parties") enter into this Stipulation and Settlement Agreement ("Agreement") in the above-referenced proceeding as a complete and final resolution of all issues that were or could have been raised in this proceeding. Abdillahi J. Buni, represent that he holds the majority ownership interest in respondent and has the authority to enter into settlement on behalf of Respondent and all of it's members.

Background

On February 16, 2017, the Commission issued Respondent Civil Penalty Assessment Notice No. 114556 (the "CPAN") seeking civil penalties of \$53,475.00 (or \$26,737.50 if paid within 10 days). The CPAN alleged seventeen (17) violations

of 4 *Code of Colorado Regulations* ("Colo. Code Regs.") §723-6, Rule 6103(c)(II)(C) and eight (8) violations of 4 Colo. Code Regs. §7231-6, Rule 6103(c)(II)(D). The CPAN was served by Mike Gullatte on February 16, 2017.

Settlement Agreement

Staff and Respondent hereby stipulate and agree as follows:

1. Respondent admit liability to all the violations in the CPAN.
2. Respondent agree to comply with all Colorado and federal statutes and rules concerning hours of service and maintaining accurate and true time records.
3. 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 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 requiring the payment by Respondent of a civil penalty in the amount of \$26,737.50 under the terms in this Agreement. In reducing the penalty, Staff considered the following mitigating factors pursuant to Commission Rule 1302(b):

- a. Respondent acknowledges wrongdoing.
- b. Respondent admits the maximum level of culpability for all violations in the CPAN.
- c. Respondent immediately engaged Staff in settlement discussions.
- d. Respondent is in the process of hiring a full time Compliance Officer who will monitor drivers on a daily basis along with all other compliance requirements.
- e. Respondent agrees to provide dispatchers with refresher training on hours of service and other PUC rules and regulations.

- f. Assessing Respondent a civil penalty of \$26,737.50 under the terms herein is sufficient motivation for respondent to remain in compliance with the Public Utilities Laws and Commission Rules on a going forward basis.

4. In consideration of Respondent' admission of liability, and for the reasons expressed above, Staff agrees reducing the amount of the civil penalty from \$53,475.00 to \$26,737.50 is appropriate and in the public interest. This \$26,737.50 settlement amount consists of a \$23,250.00 penalty, plus a fifteen-percent (15%) surcharge of \$3,487.50 pursuant to section 24-34-108, C.R.S.

5. Respondent shall pay the total amount of \$26,737.50 within 30 days of the Commission's final order approving this settlement agreement.

6. If Respondent fails to make the payment when due, Respondent shall be liable for the full civil penalty amount of \$53,475.00, which amount will be due immediately.

7. Respondent further agrees that if, during any investigation(s) conducted by Staff within twelve months of the date of a Commission final order in this proceeding, the Commission finds any violations of rules or statutes regarding hours of service or maintaining accurate and true time records, Respondent shall be liable for the full civil penalty, less payments made. In this event, the remaining full civil penalty of the \$53,475.00 will be due immediately. Respondent and Staff agree the specific intent of this provision is to prevent further violations of the Public Utilities Laws and Commission Rules.

8. All matters that were raised or could have been raised in this proceeding 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.


9. Respondent's failure to complete its payment 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.

10. 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 proceeding within seven days of entry of such Order. In that event, this Agreement shall be void and this matter shall be set for hearing.

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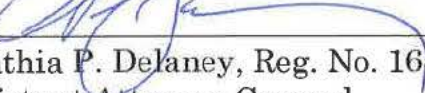
Executed this 10th day of April, 2017.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

By: 
Cliff Hinson
Manager, Investigations and Compliance
Colorado Public Utilities Commission
1560 Broadway Suite 250
Denver, Colorado 80202

Approved as to form:

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*Counsel for Staff of the
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Executed this 10th day of July, 2017.

SPRING CAB LLC d/b/a SPRING CAB

By: 

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By: 

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