

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO
PROCEEDING NO. 18G-0573HHG

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,
COMPLAINANT,

V.

I LIKE TO MOVE IT MOVE IT, LLC,
RESPONDENT.

JOINT STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission (Staff) and Respondent I Like to Move It Move It, LLC (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. Kyler Williams has authority to enter this Agreement on behalf of Respondent.

BACKGROUND AND RECITALS

1. On August 16, 2018, Staff issued and filed Civil Penalty and Assessment or Notice of Complaint to Appear (CPAN) Number 121993. It was served on the Respondent the same day. The CPAN alleges one violation each of Sections 40-10.1-107(1) and 40-10.1-502(1)(a), C.R.S. on July 18, 2018 by the Respondent. The CPAN states that the civil penalty assessed for the alleged violations is \$12,200.00, plus an additional 15 percent surcharge, for a total amount

of \$13,915.00. It further provides that if the Respondent pays the civil penalty within 10 calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$6,957.50.

SETTLEMENT AND AGREEMENT

2. The Parties have reached a settlement in this matter. The settlement amount includes a penalty amount of \$6,050.00 and a fifteen-percent surcharge amount of \$907.50, pursuant to Section 24-34-108(2), C.R.S., for a total amount of \$6957.50.

3. The Respondent admits liability for all violations in the CPAN.

4. In consideration of the following promises and agreements set out below in the Settlement and for other good and valuable consideration, the sufficiency and adequacy of which are acknowledged herein, the Parties have agreed to the following terms and conditions:

A. Performance by Staff:

- i. Staff will agree to reduce the amount of the penalty from \$12,200.00 to \$6,957.50 and will allow the respondent to pay one-half of the penalty amount, which includes the total penalty amount of \$6,050.00 and the surcharge amount of \$6,957.50.
- ii. Staff will agree to consider the following mitigating factors, pursuant to Commission Rule 1302(b), in reducing the penalty amount:

- a. The Respondent contacted the PUC in the first 10 days to resolve this proceeding;
- b. The Respondent actively worked with the PUC on several occasions to resolve the CPAN;
- c. The Respondent immediately obtained insurance coverage and applied for a Household Goods permit;
- d. The Respondent has advised the Staff that payment of one-half of the full penalty amount would cause financial hardship for the Respondent's company and require him to forgo the company's payroll for one month.

B. Performance by the Respondent.

- i. Performance by Respondent. Respondent will pay one-half of the total penalty amount, or \$6,050.00 and the surcharge amount of \$907.50, for a total payment of \$6,957.50.
- ii. The Respondent shall pay the penalty amount in paragraph 6(b) in 10 payments of \$695.75. The payment shall be made by the first day of each month until the total balance is paid in full.
- iii. If the Respondent fails to make a timely payment according to the conditions in paragraph 7, the balance owed on the total payment will be due and owing immediately.
- iv. The Respondent agrees that it will comply with the requirements of Sections 40-10.1-107(1), 40-10.1-502(1)(a), C.R.S.

v. If the Respondent violates any of the terms in this Joint Stipulation and Settlement Agreement, the full amount of the balance owed for the penalty will be due and owing immediately.

5. This Settlement Agreement has been reached in the spirit of compromise and to avoid the uncertainties of trial and the costly expense of litigation.

6. This Settlement Agreement promotes administrative efficiency because it avoids the time and expense that necessarily would be devoted to preparing for and attending the hearing for this proceeding.

7. This Settlement Agreement serves the public interest because to requires the Respondent to pay a civil penalty of \$6,957.48 according to the terms of paragraph 8.

8. The Parties agree that all matters that have been raised, or that could have been raised, in this proceeding have been resolved by this Settlement Agreement.

9. This Settlement Agreement may be signed in counterparts, each of which, taken together, shall constitute the entire agreement of the Parties.

10. This Settlement Agreement may not be modified by the Parties, except in writing, with express agreement of each Party, and with approval of the Commission.

11. The Respondent's failure to comply with the payment schedule and to complete the payment obligations described in paragraph 8 of the Settlement

Agreement shall be deemed as a waiver by the Respondent of any rights and all rights to file exceptions, as well as a request for rehearing, rearmament, and reconsideration, or to file any other form of the appeal.

12. Should this Settlement Agreement be modified or not approved in its entirety by and Administrative Law Judge or the Commission, either Party, at that Party's option, may withdraw from this Settlement Agreement by filing a notice with the Commission in this proceeding within seven days of entry of such order. In this event, this Settlement Agreement shall be void and this matter be reset for hearing.

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Dated this 26th day of September, 2018.

STAFF OF THE COLORADO PUBLIC UTILITIES COMMISSION

By: _____
Anthony Cummings
Lead Criminal Investigator
Colorado Public Utilities Commission
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I LIKE TO MOVE IT, LLC

By: _____
Kyler Williams
Owner
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Approved as to form:

CYNTHIA H. COFFMAN
Attorney General

By: _____
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Attorney for Colorado Public Utilities Commission Staff

Dated this 27th day of September, 2018.

STAFF OF THE COLORADO PUBLIC UTILITIES COMMISSION

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