

Decision No. R25-0510

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25G-0167TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

AHMED KOON IN HIS CAPACITY AS OWNER AND/OR OPERATOR OF 24/7
RECOVERY AND TOWING LLC,

RESPONDENT.

**RECOMMENDED DECISION APPROVING UNOPPOSED
SETTLEMENT AGREEMENT, ASSESSING CIVIL
PENALTY, AND CLOSING PROCEEDING**

Issued Date: July 9, 2025

I. STATEMENT AND PROCEDURAL BACKGROUND

1. On April 12, 2025, Staff of the Public Utilities Commission (“Staff”) initiated this proceeding by issuing Civil Penalty Assessment Notice No. 140755 (“the CPAN”) against Respondent Ahmed Koon in his capacity as owner and/or operator of 24/7 Recovery and Towing LLC (“Respondent”). The CPAN assessed Respondent a total penalty of \$13,915 for two alleged violations of statutory provisions found in Article 10.1 of Title 40. The CPAN specifically lists the alleged violations.

2. Staff served the CPAN on Respondent by U.S. certified mail on April 12, 2025.¹

¹ See the CPAN at 2.

3. On May 7, 2025, the Commission referred this proceeding by minute entry to an Administrative Law Judge (“ALJ”).

4. On May 14, 2025, the ALJ issued Decision No. R25-0363-I, that established hearing procedures and set a remote hearing for July 15, 2025.

5. On June 12, 2025, Staff entered its appearance.

6. On June 30, 2025, Staff filed a Joint Motion to Approve the Comprehensive Settlement Agreement, Vacate the Procedural Schedule, and Waive Response Time (“Joint Motion”). Staff also filed the Settlement Agreement, which is attached to this Decision as Appendix A.²

7. In the Joint Motion, Staff states that the Staff and Respondent (“Settling Parties”) agree:

- a. Respondent admits to the violations of §§ 40-10.1-107(1) and 40-10.1-104(1)(a), C.R.S., as set forth in the CPAN;
- b. Respondent will pay a reduced penalty of \$1,100;
- c. Respondent will provide a refund for the cost of the tow in the CPAN in the amount of \$750 to the vehicle owner;
- d. If Respondent fails to make the required payments within 60 days of the Commission’s final order approving the Settlement Agreement, Respondent shall be liable for the full penalty amount of \$13,915 less any payments made, which shall be due immediately; and
- e. The Settlement Agreement is a comprehensive resolution of the issues in the Proceeding, and the Settling Parties reached the Settlement Agreement in the spirit of compromise and in consideration of the uncertainties of hearing. In addition, the Settlement Agreement promotes administrative efficiency.³

² Appendix A is as the Settling Parties provided it. This includes, but is not limited to, items such as inconsistent font sizes.

³ See Joint Motion at pp.1-2.

8. The Settling Parties agree that the Settlement Agreement represents a just and reasonable result and comports with the public interest because:

- a. The Settlement Agreement is consistent with Rule 1408(a), 4 CCR 723-1, wherein the Commission encourages settlement of contested proceedings;
- b. The Settlement Agreement holds Respondent, a regulated towing carrier, accountable for not complying with Colorado law regarding towing permits and financial responsibility requirements; and
- c. Respondent acknowledges wrongdoing, is new to the towing industry, has a pending application for a towing permit for a new entity with adequate insurance, has properly registered the new entity with the Colorado Secretary of State, and because assessing Respondent a reduced civil penalty is sufficient motivation for Respondent to remain in compliance going forward.⁴

9. Finally, the requested relief being joint and unopposed, Staff requests that the Commission waive response time pursuant to Rule 1308(c), 4 CCR 723-1, and enter an order approving the Settlement Agreement without modification.⁵

II. FINDINGS OF FACT, DISCUSSION, AND CONCLUSIONS

10. The Settling Parties jointly filed a Settlement Agreement pursuant to Rule 1408, 4 CCR 723-1, resolving the allegations in the CPAN for the Commission's consideration.

11. The Settling Parties agree that the Settlement Agreement represents a comprehensive resolution of the issues in this Proceeding.⁶

12. Here, the CPAN violations involve Respondent operating as a towing carrier in intrastate commerce without first having obtained a permit and failing to maintain and file with the Commission required evidence of financial responsibility.⁷ Respondent admits to the CPAN violations.⁸ The Settling Parties agree that the Respondent will pay a reduced penalty amount of

⁴ *Id.* at p. 2.

⁵ *Id.*

⁶ Joint Motin at p. 2.

⁷ *See* CPAN.

⁸ *See* Joint Motion at p. 2.

\$1,100; that Respondent will provide a refund for the cost of the tow in the amount of \$750 to the owner of the towed vehicle; and that Respondent will make these payments within 60 days of the Commission's final order approving the Settlement Agreement.⁹

13. Respondent is new to the towing industry and has sufficient motivation to remain in compliance with Commission rules moving forward.¹⁰

14. The requested relief being unopposed, it is appropriate for the ALJ to waive the response time.

15. Approval of the Settlement Agreement will not have a precedential effect upon other Commission matters.¹¹

16. To be acceptable, the Settlement Agreement must be clear, understandable, and administratively enforceable. The Settlement Agreement meets those requirements. The Settling Parties' agreement provides sufficient support to demonstrate that the Settlement Agreement should be accepted.

17. The ALJ finds good cause to approve the Settlement Agreement and grant the Joint Motion. Respondent acknowledges and admits liability for the violations alleged in the CPAN. The Settlement Agreement proposes a fair and timely resolution to the issues in this Proceeding. Respondent asserts that it has sufficient motivation to remain in compliance with Commission rules going forward, and the ALJ believes that the reduced civil penalty negotiated will motivate Respondent to remain in compliance with Commission rules in the future.

18. According to Rule 1302(b), 4 CCR 723-1, the Commission may impose a civil penalty when provided by law. The Commission will consider any evidence concerning some or

⁹ See Joint Motion at p. 1.

¹⁰ See Joint Motion at p. 2.

¹¹ See *Colorado Ute Elec. Ass'n, Inc. v. PUC*, 602 P.2d 861, 865 (Colo. 1979); and *B&M Serv., Inc. v. PUC*, 429 P.2d 293, 296 (Colo. 1967).

all of the following factors: (I) the nature, circumstances, and gravity of the violation; (II) the degree of the respondent's culpability; (III) the respondent's history of prior offenses; (IV) the respondent's ability to pay; (V) any good faith efforts by the respondent in attempting to achieve compliance and to prevent future similar violations; (VI) the effect on the respondent's ability to continue in business; (VII) the size of the respondent's business; and (VIII) such other factors as equity and fairness may require.

19. The Joint Motion was filed by Staff jointly with Respondent. Through the Settlement Agreement, Respondent has begun to take additional measures to ensure it does not re-commit the violations at issue. Settling Parties agree that the outcome at hearing is uncertain, and Respondent has agreed to pay a reduced penalty for admitting the violations alleged in the CPAN. Based on the above, and consistent with Commission rules, a civil penalty of \$1,100 will be assessed against Respondent, as ordered below.

20. Pursuant to § 40-6-109(5), C.R.S., and Rule 1403, 4 CCR 723-1, this Proceeding may be processed under the modified procedure without a formal hearing.

21. Pursuant to § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following Order.

III. ORDER

The Commission Orders That:

1. Response time to Staff of the Public Utilities Commission's Joint Motion to Approve the Comprehensive Settlement Agreement, Vacate the Procedural Schedule, and Waive Response Time is waived and the motion is granted, consistent with the discussion above.

2. The Comprehensive Settlement Agreement, attached to this Recommended Decision as Appendix A and incorporated herein by reference, is approved without modification. All parties shall comply with the terms of the agreement.

3. Respondent Ahmed Koon in his capacity as owner/operator of 24/7 Recovery and Towing LLC (“Respondent”) is assessed a civil penalty, inclusive of any applicable surcharge, in the amount of \$1,100 for one violation of § 40-10.1-107(1), C.R.S., and one violation of § 40-10.1-401(1)(a), C.R.S.

4. Respondent must make full payment to the Commission, in person or by mail, no later than 60 days following the date of a final Commission decision in this Proceeding. If Respondent submits a payment by U.S. Mail, the payment must be made by money order or check and must be received at the Commission not later than the due date.

5. Respondent must refund the owner of the towed car \$750.

6. Respondent must make full payment to the car owner, in person or by mail, no later than 60 days following the date of a final Commission decision in this Proceeding. If Respondent submits a payment by U.S. Mail, the payment must be made by money order or check and must be received at the car owner’s address not later than the due date.

7. The July 15, 2025 hearing in this Proceeding is vacated and Proceeding No. 25G-0167TO is closed.

8. 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.

9. 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.

10. 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.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director