

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 05G-282EC

AFFIDAVIT OF TED M. BARRETT

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

v.

RALPH ELSELL d/b/a RALPH LIMOUSINE SERVICE,

RESPONDENT.

I, Ted M. Barrett, do swear and attest as follows:

1. My name is Ted M. Barrett. I am employed by the Colorado Public Utilities Commission as a Compliance Investigator in the Transportation Section.
2. I am the same Ted Barrett who testified at the hearing on August 29, 2005, Docket No. 05G-282EC, involving Civil Penalty Assessment No. 75192, which I served on Ralph Elsell d/b/a Ralph Limousine Service (Respondent) on June 27, 2005.
3. On May 21, 2002, I conducted a Safety and Compliance audit of the Respondent.
4. On May 22, 2002, I mailed the corresponding Safety and Compliance Review report (SCR report) to Respondent, along with a Certification of Correction (Certification).
5. The SCR report detailed the violations of Commission rules that I identified during the Safety and Compliance audit. The violations included two violations of 49 Code

of Federal Regulations (CFR) 391.51(a); three violations of 49 CFR 396.3(b)(1); three violations of 49 CFR 396.3(b)(2); three violations of 396.3(b)(3); and 90 violations of 49 CFR 396.11.

6. The Certification I sent to Respondent directed Respondent to sign within 20 day of the mailed date, certifying the records violations listed in the SCR report were corrected.

7. The Commission received Respondent's Certification. It was then placed in the hard copy file the Commission maintains on Respondent.

8. In preparation for the hearing in this docket, I took the original Certification from the Commission's hard copy file. A copy was made to use at the hearing.

9. The Certification shows that a Safety and Compliance audit was conducted on Respondent on May 21, 2002, and that the Certification and SCR report were mailed to Respondent on May 22, 2002.

10. It also shows that Respondent signed the Certification on May 24, 2002.

11. The Commission's date stamp proves that the Commission received the signed Certification from Respondent on May 28, 2002.

12. Also in preparation for the hearing in this docket, on August 23, 2005, I accessed the Commission's computerized records on Respondent to obtain a copy of the May 2002 SCR report.

13. These records are saved in the system's G: Drive. The Word template in the computer system is created so that whenever the SCR report is accessed, the date of retrieval is automatically inserted, rather than the date on which the SCR report was issued.

14. To correct this, while in the system, I changed the date on the second page of Exhibit 1 (page 1 of the SCR report) to reflect the actual date of the report.

15. However, I forgot to make the corresponding changes on the third and fourth pages of Exhibit 1 (pages two and three of the SCR report). That is why pages three and four of Exhibit 1 contain the August 23, 2005 date.

Further, affiant sayeth naught.



Ted M. Barrett

Subscribed and sworn to before me in the County of Denver, State of Colorado, this

19th day of September 2005.


NOTARY PUBLIC

My Commission expires:

My Commission Expires June 30, 2008

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within STAFF'S EXCEPTIONS TO
DECISION NO. R05-1052 AND MOTION TO SCHEDULE A HEARING TO TAKE
ADDITIONAL EVIDENCE upon all parties herein by depositing copies of same in the
United States mail, first class postage prepaid, or as otherwise indicated, at Denver,
Colorado, this 21st day of September, 2005, addressed as follows:

Ralph Elsell
Ralph Limousine Service
16943 Corner Store Lane
Parker, CO 80134

Robert Laws
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203
BY INTERDEPARTMENTAL MAIL

Ted Barrett
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203
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Dino Ioannides
Advisory Staff
Public Utilities Commission
1580 Logan Street, OL-2
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