

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 05G-199CP

STIPULATION AND SETTLEMENT AGREEMENT

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

NAZIR KHAN AND SADAQAT KHAN DBA KHAN LIMOUSINES

Respondent.

Staff of the Public Utilities Commission of the State of Colorado ("Staff") and Nazir Khan and Sadaqat Khan, doing business as Khan Limousines ("Khan Limousines") (collectively the "Parties"), enter into this Stipulation and Settlement Agreement ("Stipulation") to stipulate and to settle all disputed issues. Staff and Khan Limousines respectfully submit that this Stipulation is just and reasonable and that it results in a fair disposition of the above-referenced civil penalty proceeding against Khan Limousines.

Nazir Khan states that he has the authority to execute this stipulation on behalf of Khan Limousines. Staff states that the undersigned Staff Safety and Compliance Unit manager, Robert Laws, has the authority to execute this stipulation on behalf of Staff.

In support of this Stipulation, Staff and Khan Limousines state as follows:

1. On April 26, 2005, Staff issued Civil Penalty Assessment Notice No. 60823 ("CPAN No. 60823") to Khan Limousines. CPAN No. 60823 is Attachment A to the Stipulation. CPAN No. 60823 cites Khan Limousines for one violation of § 40-16-103, C.R.S. (providing service without obtaining a registration) and for one violation of Rule 3.1 of the Commission's Rules, Regulations, and Civil Penalties Governing Motor Vehicle Carriers Exempt from Regulation as Public Utilities, 4 *Code of Colorado Regulations* 723-33 ("Rule 4 CCR 723-33-3.1") (failure to obtain and maintain adequate insurance coverage). CPAN No. 60823 was the result of an investigation confirming that Khan Limousines had operated a luxury limousine for hire on April 17, 2004. Staff seeks a penalty assessment of \$1,100.00 for the violation of § 40-16-103, C.R.S. and \$11,000.00 for the violation of Rule 4 CCR 723-33-3.1. Thus, the total penalty that Staff is seeking is \$12,100.00.

2. For purposes of resolving all issues surrounding the alleged violations, Staff and Khan Limousines desire to settle the charges contained in CPAN No. 60823.

Accordingly, Staff and Khan Limousines hereby stipulate and agree as follows:

- a. Khan Limousines admits to the two violations contained in CPAN No. 60823.
- b. Khan Limousines agrees to cease all operations as a carrier (of any sort) for hire until authority or registration is obtained from the Commission.
- c. Khan Limousines agrees to pay \$12,100.00 to the Public Utilities Commission in connection with CPAN No. 60823 in 24 consecutive monthly installments. The first installment shall be \$600.00; the remaining 23 installments

shall be \$500.00. Payment of each installment is to be made on or before the first business day of each month. A monthly payment shall be deemed timely paid so long as it is received at the offices of the Public Utilities Commission on or before the 5th day of the month.

d. The first installment shall be due within ten (10) days after the issuance of a final decision of the Commission approving this Stipulation. The second installment shall be due on the first of the next month, which due date is at least 20 days from the due date of the first installment.¹

e. If Khan Limousines timely makes the first 18 consecutive monthly payments described above (a total of \$9,100.00), then Staff shall accept the reduced penalty amount of \$9,100.00 as satisfactory payment of CPAN No. 60823. If Khan Limousines meets the terms of this subparagraph, then nothing in subparagraph (f) shall apply.

f. If Khan Limousines fails to make any one of the first 18 consecutive monthly payments in accordance with the payment schedule described in subparagraphs (c) and (d), then Khan Limousines shall be immediately liable for the entire outstanding portion of the \$12,100.00 penalty amount sought by CPAN No. 60823.

¹ Thus, for example, if payment of the first installment is due on October 25, 2005, then the second installment shall be due on December 1, 2005 because there are only six days before the first of the next month. However, if the first installment is due on November 7, 2005, then the second installment shall also be due on December 1, 2005 because there are 23 days before the first of the next month.

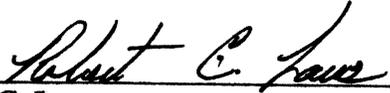
GENERAL PROVISIONS

3. The Parties agree that the Stipulation should be approved in its entirety.
4. The Parties agree that reaching this agreement by means of negotiation and settlement rather than through litigation is in the public interest and that that results of the compromises and settlements reflected in the Stipulation are in the public interest. The Parties further agree that all matters that were raised or could have been raised in this docket have been resolved by the Stipulation.
5. If the Commission imposes conditions or modifications to its approval of the Stipulation which are unacceptable to a party or otherwise does not approve the Stipulation in its entirety, either Staff or Khan Limousines, at that party's option, may notify the other party within ten (10) days after the date the Commission's decision becomes final that it is withdrawing from the Stipulation. Such notice of withdrawal tendered within ten (10) days after the date of the Commission's decision becomes final shall render the Stipulation null and void. If the Stipulation is rendered null and void, then Docket No. 05G-199CP shall be set for hearing.

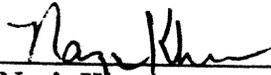
6. The Stipulation may be executed in counterparts, each of which when taken together shall constitute the entire stipulation.

DATED this 31st day of October 2005.

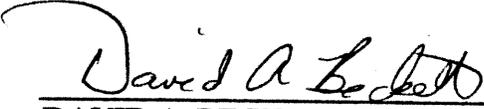
For Staff of the Colorado Public Utilities
Commission:


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Public Utilities Commission
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For Khan Limousines


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APPROVED AS TO FORM


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Attorney for Khan Limousines

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within STIPULATION AND SETTLEMENT AGREEMENT 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 5th day of November, 2005, addressed as follows:

Khan Limousines
Attn: Nazir Khan and Sadaqat Khan
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