

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 07G-430CP

STIPULATION AND SETTLEMENT AGREEMENT

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

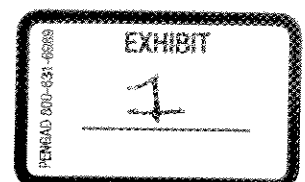
ALWAYS MOVING MADE EASY, LLC,

Respondent.

Staff of the Public Utilities Commission of the State of Colorado ("Staff") and Always Moving made Easy, LLC ("Always Moving Made Easy") (collectively the "Parties"), enter into this Stipulation and Settlement Agreement ("Stipulation") to stipulate and to settle all disputed issues. Staff and Always Moving Made Easy respectfully submit that this Stipulation is just and reasonable and that it results in a fair disposition of all issues arising out of the above-referenced civil penalty proceeding against Always Moving Made Easy.

Marcial J. Delgado states that he has the authority to execute this Stipulation on behalf of Always Moving Made Easy. Staff states that the undersigned Staff Senior Investigator, Robert Laws, has the authority to execute this Stipulation on behalf of Staff.

In support of this Stipulation, Staff and Always Moving Made Easy state as follows:



1. On October 27, 2007, Staff issued, or served, Civil Penalty Assessment Notice No. 84807 ("CPAN No. 84807") to Always Moving Made Easy. CPAN No. 84807 is Attachment A to the Stipulation. CPAN No. 84807 cites Always Moving Made Easy for seven separate violations. The violations relate to various statutes as well as various provisions of the Commission's Rules Regulating Transportation by Motor Vehicle, all as more particularly set forth on Attachment A. CPAN No. 84807 was the result of an investigation confirming that Always Moving Made Easy had operated as a mover or a property carrier on May 23, 2007. By CPAN No. 84807, Staff seeks a total penalty assessment of \$13,475.00.

2. The Stipulation herein has been reached in the spirit of compromise after Staff determined that, while not having first obtained a registration or having the proper documentation on file at the Commission, Always Moving Made Easy did in fact have in force and effect the required levels of insurance coverage when performing moving services on May 23, 2007. In addition, Always Moving Made Easy, despite being given several opportunities by Commission Staff to commence the statutorily required registration process in September 2007, commenced the registration process on January 18, 2008.

3. Accordingly, Staff and Always Moving Made Easy hereby stipulate and agree as follows:

- a. Staff dismisses violations 2, 4, and 6 contained in CPAN No. 84807.
- b. Always Moving Made Easy admits to violations 1, 3, 5, and 7 contained in CPAN No. 84807. The total potential penalty amount associated with these four violations is \$1925.00.
- c. Always Moving Made Easy agrees to pay \$1,000.00 to the Public Utilities Commission in connection with CPAN No. 84807 in four consecutive monthly installments of \$250.00. The first payment shall be due and payable within ten (10) days after the issuance of a final Commission decision approving this Stipulation without modification that is unacceptable to either party. Each successive payment shall be due every thirty (30) days thereafter until paid in full.
- d. Given the admission of Always Moving Made Easy in subparagraph b above and its agreement to the payment plan in subparagraph c above, Staff agrees to hold in abeyance the remaining \$925.00. Except as provided in subparagraph e below, upon timely payment in full of the agreed upon \$1,000, Always Moving Made Easy shall be deemed to have fully satisfied and complied with the terms of this Stipulation and shall no longer be subject to any penalty or assessment relating to CPAN No. 84807. However, failure to comply with the payment plan described herein will cause the entire amount of \$1925.00, less any payments made to that

point, if any, to become due and payable within ten (10) days after receipt of notice from Staff of such failure.

e. Notwithstanding any of the terms of subparagraph d, if within two years after the date hereof Always Moving Made Easy is found, by final, non-appealable Commission order, to have operated without a valid permit or without having the proper proofs of insurance on file with the Commission, then Always Moving Made Easy shall be obligated to make an additional payment in the amount of \$500 within ten (10) days after the issuance of such final Commission order.

GENERAL PROVISIONS


4. The Parties agree that the Stipulation should be approved in its entirety.
5. The Parties agree that reaching the agreements set forth in this Stipulation by means of negotiation and settlement rather than through litigation is in the public interest and that 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.
6. 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 Always Moving Made Easy, 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. 07G-430CP shall be set for hearing.


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

DATED this 29th day of January 2008.


For Staff of the Colorado Public Utilities
Commission:


Robert Laws
Senior Investigator
Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

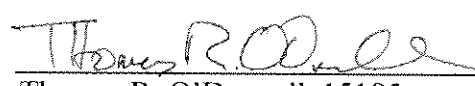
For Always Moving Made Easy, LLC


Marcial J Delgado
Rose Delgado
Always Moving Made Easy, LLC
4173 E. 126th Avenue
Thornton, CO 80241

APPROVED AS TO FORM


DAVID A. BECKETT, 23098
Assistant Attorney General
Business and Licensing Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
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Attorney for Staff of the Public Utilities
Commission


Thomas R. O'Donnell, 15185
Holland & Hart, LLP
555 17th Street, Suite 3200
Denver, CO 80202
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Attorney for Always Moving Made Easy,
LLC

CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

No. 84807-CPAN

Public Utilities Commission of the State of Colorado

(Complainant)

v.

Always Moving Made Easy LLC

(Respondent)

PUC Authority Number(s): None

Physical Address: 4173 East 126th Avenue Thornton, CO 80241

Mailing Address: 4173 East 126th Avenue Thornton, CO 80241

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty	Penalty If Paid Within 10 Days
1	May 23, 2007	C.R.S. 40-14-103 And/Or C.R.S. 40-16-103	Operated as a mover or property carrier without first obtaining an operating right.	Englewood, CO	\$1,100.00	\$550.00
2	May 23, 2007	4 CCR 723-6-6007(a)(I) or 4 CCR 723-6-6007(b)(I)(B)	Operated as a transportation carrier without insurance.	Englewood, CO	\$11,000.00	\$5,500.00
3	May 23, 2007	4 CCR 723-6-6007(f)(I)	Carrier failed to file liability insurance with the Colorado Public Utilities Commission.	Englewood, CO	\$275.00	\$137.50
4	May 23, 2007	4 CCR 723-6-6007(a)(II)	Operated as a transportation carrier without cargo insurance.	Englewood, CO	\$275.00	\$137.50
5	May 23, 2007	4 CCR 723-6-6007(f)(II)	Carrier failed to file cargo insurance with the Colorado Public Utilities Commission.	Englewood, CO	\$275.00	\$137.50
6	May 23, 2007	4 CCR 723-6-6007(a)(IV)	Operated as a transportation carrier without general liability insurance.	Englewood, CO	\$275.00	\$137.50
7	May 23, 2007	4 CCR 723-6-6007(f)(IV)	Carrier failed to file general liability insurance with the Colorado Public Utilities Commission	Englewood, CO	\$275.00	\$137.50

Total Penalty: \$13,475.00

Total Penalty If Paid Within 10 Calendar Days: \$6,737.50

Attachment
A

THIS IS A LEGAL DOCUMENT -- PLEASE READ ALL ENCLOSED INFORMATION

CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

No. 84807-CPAN


I HEREBY ACKNOWLEDGE RECEIPT OF THIS NOTICE.

Respondent's Signature

Date

The undersigned has probable cause to believe that the Respondent committed the violation(s) cited.

J.P. Opeka #5011
Print name


Signature

October 16, 2007
Date

Service

(For Commission use only – completed upon affecting service). The undersigned affirms that a copy of this Civil Penalty Assessment Notice or Notice of Complaint to Appear was duly served upon the respondent by:

() personal service; or

(X) certified mail, return receipt requested.

J.P. Opeka #5011
Print name


Signature

10/27/07
Date

CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

No. 84807-CPAN

The notice you have received is called a Civil Penalty Assessment Notice or Notice of Complaint to Appear. The penalty for the alleged violation(s) is described on the preceding page(s). It is the prescribed penalty for the stated violation(s) as required by law and specified in the Public Utilities Commission's rules, and may be an enhanced penalty pursuant to § 40-7-113(3) or (4), C.R.S. Your payment may be made by money order or check. Do not mail cash. If payment is made by mail, the date of payment is the postmarked date. You may pay this penalty by mail or in person at:

Public Utilities Commission, 1560 Broadway, Suite 250, Denver, CO 80202

You have four options regarding this civil penalty:

1. Within ten calendar days of receipt of this Civil Penalty Assessment Notice, you may pay the reduced penalty shown in the "Total Penalty If Paid Within 10 Calendar Days" section above, which the Public Utilities Commission will accept as payment in full and as your acknowledgement that you are liable for the violations herein.

UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE LIABILITY OF ALL VIOLATIONS HEREIN.

Respondent's signature

2. Within ten calendar days of receipt of this Civil Penalty Assessment Notice, you may pay the reduced penalty on certain violations, but contest the remaining violations, by providing the following:

UPON PAYMENT, I ACKNOWLEDGE LIABILITY ON THE FOLLOWING VIOLATION NUMBERS:

I AM REQUESTING A HEARING ON THE FOLLOWING CONTESTED VIOLATION NUMBERS:

Enclose payment of the reduced penalty shown in the "Penalty If Paid Within 10 Calendar Days" column for each acknowledged violation. The Public Utilities Commission will accept your payment as payment in full and as your acknowledgement that you are liable for the violations for which payment is made.

Respondent's signature

3. After ten calendar days of receipt of this Civil Penalty Assessment Notice, you may avoid a hearing in this matter, at any time prior to the hearing, if you pay the full penalty amount shown in the "Total Penalty" section. The Public Utilities Commission will accept your payment as payment in full and as your acknowledgement that you are liable for the violations herein.

UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE LIABILITY OF ALL VIOLATIONS HEREIN.

Respondent's signature

4. If you wish to contest the entire civil penalty, or if the civil penalty assessment is not paid within ten days of receipt of this notice, then you must contact the Public Utilities Commission by 4:00 p.m. of the 15th day after receipt of this notice to set the alleged violation(s) for hearing. Call the P.U.C. at 800/888-0170, ext. 2884, or 303/894-2884. If you fail to contact the Commission, this document becomes a Complaint to Appear Notice and the Commission will set the hearing date without any preference to your wishes. You will be notified about the hearing date. If you are under 18 years of age, you must be accompanied by a parent or a guardian at the hearing.

THIS IS A LEGAL DOCUMENT -- PLEASE READ ALL ENCLOSED INFORMATION

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within JOINT MOTION TO APPROVE
STIPULATION AND SETTLEMENT AGREEMENT OUT OF TIME and 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 29 day of January, 2008,
addressed as follows:

Always Moving Made Easy LLC
4173 East 126th Avenue
Thornton, CO 80241

Teresa D. Locke
Holland & Hart LLP
555 17th Street
Suite 3200
Denver, CO 80202

Bob Laws
Public Utilities Commission
1560 Broadway Suite 250
Denver, CO 80202
BY INTERDEPARTMENTAL MAIL

John Opeka
Public Utilities Commission
1560 Broadway Suite 250
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BY INTERDEPARTMENTAL MAIL

Dino Ioannides
Advisory Staff
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