

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 07G-013CP

Civil Penalty Assessment Notice No. 81621

STIPULATION AND SETTLEMENT AGREEMENT

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

v.

GOLDEN WEST COMMUTER, LLC

RESPONDENT.

Staff of the Public Utilities Commission (Staff) and Respondent S&J Partners, in its capacity as the representative of Golden West Commuter, LLC, dissolved (Respondent), (collectively Parties) enter into this Stipulation and Settlement Agreement (Agreement) in the above-referenced docket as a complete and final resolution of all issues.

On January 19, 2007, the Commission issued Golden West Commuter, LLC (Golden West) Civil Penalty Assessment Notice No. 83835 (the CPAN) seeking an enhanced civil penalty of \$4,400. This matter went to hearing August 23, 2007 and, pursuant to Decision No. R07-1051 issued December 13, 2008, the presiding administrative law judge (ALJ) dismissed the CPAN. Staff filed Exceptions and the Commission, pursuant to Decision No. C08-0272 issued January 23, 2008, granted Staff's Exceptions in substantial part and remanded the matter for a new hearing. The Commission also urged the parties to settle this matter. Dec. No. C08-0272, § I(F), ¶ 51; Dec. No. C08-0498 issued 5/16/08, § I(E), ¶ 17. On June 13, 2008,



Respondent filed an Application and Petition for Writ of Certiorari or Review (Application) in Denver District Court, Case No. 08-CV-5004. This Court appeal is presently pending.

The Agreement herein has been reached in the spirit of compromise and in light of the uncertainties of trial. The Agreement has also been reached to avoid the costly expense of continued litigation.

Staff and Respondent hereby stipulate and agree as follows:

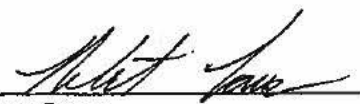
1. The Commission dismiss, with prejudice, the CPAN with each party bearing its attorneys' fees and costs and Respondent admits no liability and Staff concurs therewith.
2. The Denver District Court dismiss, with prejudice, the Application with each party bearing its attorneys' fees and costs. Respondent and the undersigned counsel representing the Commission in Case No. 08-CV-5004 commit to file a stipulated motion with the Denver District Court seeking a dismissal of the Application within seven (7) days of entry of a final Commission order dismissing the CPAN with prejudice.
3. Respondent acknowledges a luxury limousine registrant under Article 16 may only provide transportation service on a prearranged, charter basis. Respondent also acknowledges this prohibits a luxury limousine registrant from putting together unrelated parties and selling transportation service on a per person basis and subsequently deeming the assembly of the parties as a "single chartering party" under C.R.S. § 40-16-101.
4. Mr. John Brunel, the former owner and operations manager of Golden West, is excused from appearing at the deposition scheduled February 18, 2009 at 10:00 a.m.
5. The Commission vacate the hearing currently scheduled March 20, 2009.
6. Counsel for Respondent is authorized to release to Respondent the \$4400.00 held in escrow.

In the event this Agreement is modified or not approved in its entirety, either Staff or Respondent, at that party's option, may withdraw from this Agreement by filing a notice with the Commission in this docket within seven (7) days of entry of such Order. In that event, this docket

shall be set for hearing and Mr. Brunel shall be required to attend the deposition scheduled February 18, 2009 at 10:00 a.m..

EXECUTED this 17th day of February 2009.

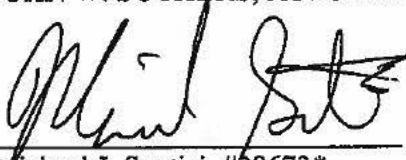
STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

By: 
Robert Laws
1580 Logan Street, OL2
Denver, Colorado 80203

Senior Criminal Investigator
Colorado Public Utilities Commission

approved as to form:

JOHN W. SUTHERS, ATTORNEY GENERAL


By: 
Michael J. Santisi, #29673*
Assistant Attorney General
Business and Licensing Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-3764
Facsimile: (303) 866-5395
michael.santisi@state.co.us

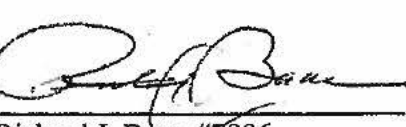
COUNSEL FOR STAFF OF THE
PUBLIC UTILITIES COMMISSION

*Counsel of Record

S&J PARTNERS, IN ITS CAPACITY
AS THE REPRESENTATIVE OF
GOLDEN WEST COMMUTER, LLC,
DISSOLVED

approved as to form:

By: 
John Brunel

By: 
Richard J. Bara, #7886
World Wide Plaza
1155 Sherman Street, Suite 315
Denver, Colorado 80203
Telephone: (303) 831-7272
Facsimile: (303) 831-7363
rjb-immnlaw@earthlink.net

COUNSEL FOR RESPONDENT