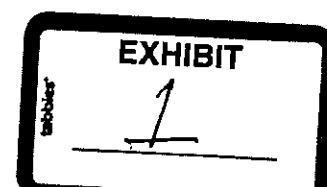


Settlement Agreement
Exhibit 1 – Motion to Approve Settlement
Docket 09G-050EC
Page 1 of 4

Stipulation and Settlement Agreement

This Stipulation and Settlement Agreement is entered into by and between Trial Staff of the Commission (“Staff”) and Russell Johnson and Jolene Johnson, doing business as Integrity Limousine Services, (“Respondents”) as a result of Docket NO. 09G-050EC in which the Respondents were cited in a civil penalty assessment notice for violation of the Transportation Rules of the Colorado Public Utilities Commission (“Commission”), and in particular Rule 4CCR 723-6-6009(a).

1. The Respondents admit liability to the violation in CPAN No. 90234, which is attached as Exhibit A.
2. This Agreement has been reached in consideration of Respondents’ admission of liability in paragraph 1, above, in the spirit of compromise and in light of the uncertainties of trial, and to avoid the costly expense of litigation. The Parties also agree that this Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to a full hearing on this matter, as well as in consideration of the amount of monies that would have been spent by either party on attorney’s fees and costs. For these reasons and for the reasons further described in paragraph 5 below, the Parties have agreed to a reduction in the amount of the civil penalty from \$460.00 to \$230.00.
3. The Respondents have agreed to make one full payment of the negotiated settlement amount of \$230.00 within thirty (30) days of the Commission final order and recognize that failure to do so will result in being liable for the full penalty amount of \$460.00 without any further hearing. Respondents agree and stipulate that failure to pay the settlement amount within thirty (30) days of the Commission final order shall also be deemed as a waiver by Respondent of any and all rights to file exceptions and/or to all rights to file a request for rehearing, reargument and reconsideration or any other form of appeal. This result will mean that no payment plan is needed. Nor will any additional administrative or adjudicatory time and expense be incurred by the Commission, Staff and/or the Respondent.



4. As an additional condition of this negotiated settlement, Respondents agree that if they, or either of them, operate a motor carrier in the State of Colorado in the future and fail to abide by PUC Rule 4 CCR 723-6-6009(a) (proper payment of annual motor vehicle identification fees) which is the underlying violation in this docket, then any portion of \$460.00 of the civil penalty originally assessed by CPAN 90234 still unpaid at that time shall immediately become due and payable without any further hearing, in addition to any penalty that results from the future failure to pay all required vehicle identification fees.
5. In addition to the reasons expressed in paragraph 1, 2, 3, and 4 above, Staff and Respondents have agreed to the following stipulation of facts to be considered by the ALJ for consideration of approval of this agreement pursuant to Commission Rule 1302 (b):
 - a. The violation admitted to by the Respondents occurred during a routine safety and compliance investigation by Staff of the Commission. This safety and compliance investigation was conducted by Commission Investigator John Opeka on January 2, 2009, at Denver International Airport as part of his regular duties as a criminal investigator for the Colorado Public Utilities Commission when he inspected the Respondents' vehicle. Both parties agree that Commission Rule 6016(b) applies. This Rule states that, "Any person subject to § 40-2-110.5, C.R.S. who operates a motor vehicle without having paid the annual identification fee, or who violates any provision of rule 6009, may be assessed a civil penalty of up to \$400.00 for each violation."
 - b. The Respondents have admitted to the violation identified in CPAN 90234.
 - c. The Respondents have no record of prior violations of any kind at the Commission.
 - d. Both Parties stipulate that the Respondents have, as of the date of this agreement, discontinued operating as Exempt Passenger Carriers. Respondents have not renewed their Commission registration for 2009 and are no longer maintaining the financial responsibility necessary to operate as an exempt carrier.
 - e. As a result of Respondents having abandoned their business as Exempt Passenger Carriers, the Parties agree that Respondents do not now need to pay the annual motor vehicle identification fee for 2009. As set forth in paragraph 4 above, the Parties stipulate and agree that if Respondents operate as a motor vehicle carrier in Colorado at any time in the future,

Respondents agree to fully comply with the requirement of Commission Rule 6009(a) or face the sanction described in paragraph 4.

- f. The Parties also stipulate to the fact that the Respondents operated as a very modest business enterprise and that, having now abandoned their status as registered Exempt Passenger Carriers, a large civil penalty would represent a severe hardship. Respondents have admitted to the violation cited in the CPAN and therefore the Parties agree that mitigation of the maximum fine is appropriate.
6. The Parties agree that all matters that were raised or could have been raised in this docket relating to the issues specifically identified and addressed herein have been resolved by the Stipulation and Agreement. This Stipulation and Agreement may be executed in counterparts, each of which when taken together shall constitute the entire Agreement of the Parties, and no further modification of this Agreement is allowed, except in writing by the parties, and further agreed to in an further order issued by the Public Utilities Commission.

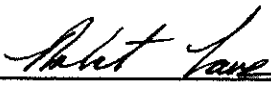
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EXECUTED this 16th day of March, 2009.

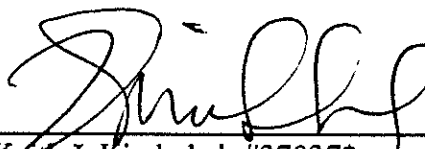
STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

Approved as to form:

JOHN W. SUTHERS, ATTORNEY GENERAL

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

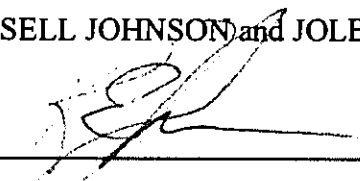
Senior Criminal Investigator
Colorado Public Utilities Commission

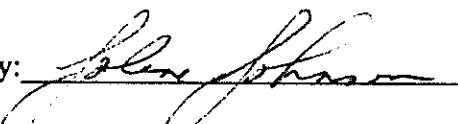
By: 
Keith J. Kirchubel, #37037*
Assistant Attorney General
Business and Licensing Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Telephone: (303) 866-5141
Facsimile: (303) 866-5395

COUNSEL FOR STAFF OF THE
PUBLIC UTILITIES COMMISSION

*Counsel of Record

RUSSELL JOHNSON and JOLENE JOHNSON, dba INTEGRITY LIMOUSINE SERVICES

By: 
Russell Johnson, Owner
8421 Sunflower Street
Highlands Ranch, CO 80126
Telephone: 303-917-5938

By: 
Jolene Johnson, Owner
8421 Sunflower Street
Highlands Ranch, CO 80126

CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

No. 90234-CPAN

Public Utilities Commission of the State of Colorado

(Complainant)

v.

Russell Johnson and Jolene Johnson

D/B/A

(Respondent)

Integrity Limousine Service

PUC Authority Number(s): LL-01408

Physical Address: 8421 South Sunflower Street, Highlands Ranch, CO 80126

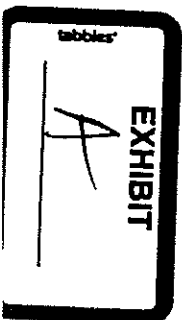
Mailing Address: 8421 South Sunflower Street, Highlands Ranch, CO 80126

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty	Penalty + 15% Surcharge	Penalty If Paid Within 10 Days	10 Day Penalty +15% Surcharge
1	January 2, 2009	4 CCR 723-6-6009(a)	Carrier failed to pay their 2009 annual vehicle identification fee prior to January 1, 2009.	Denver, CO	\$400.00	\$460.00	\$200.00	\$230.00

Total Amount : \$460.00

Total Amount If Paid Within 10 Days: \$230.00

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



CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

No. 90234-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

 #5011
Signature

January 20, 2009

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

☒ certified mail, return receipt requested.

OPEKA

Print name

 #5011
Signature

1/23/2009

Date

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

CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

No. 90234-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. **Pursuant to § 24-34-108, C.R.S., a surcharge in the amount of fifteen percent will be added to all penalty assessments collected.** This surcharge will be used to fund the development, implementation and maintenance of a consumer outreach and education program. 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 days of receipt of this Civil Penalty Assessment Notice, you may pay the reduced total amount shown in the "Total Amount If Paid Within 10 Days" section above, which the Public Utilities Commission will accept as payment in full, with surcharge, 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 days of receipt of this Civil Penalty Assessment Notice, you may pay the reduced total amount 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 amount(s) shown in the "10 Day Penalty + 15% Surcharge" column for each acknowledged violation. The Public Utilities Commission will accept your payment as payment in full, with surcharge, and as your acknowledgement that you are liable for the violations for which payment is made.

Respondent's signature

3. After ten 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 total amount shown in the "Total Amount" section. The Public Utilities Commission will accept your payment as payment in full, with surcharge, 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