

Stipulation & Settlement Agreement
Exhibit 1 – Motion to Approve Settlement
Docket 12G-087EC
Page 1 of 4

Stipulation and Settlement Agreement

This Stipulation and Settlement Agreement is entered into by and between Trial Staff of the Colorado Public Utilities Commission (“Staff” and “Commission”) and (“Respondent”) as a result of Docket No. 12G-087EC in which the Respondent was cited in a civil penalty notice assessment for alleged violations of 4 CCR-723-6-6310(c).

1. This Respondent admits liability to 4 CCR 723-6-6310(d) for failure to provide the charter order immediately upon request by any enforcement official or airport authority on January 20, 2012 in lieu of alleged allegation 4 CCR-6-6310(c) for stationing a luxury limousine in front of hotel without a completed charter order as set forth in CPAN 10271 attached to Motion as Exhibit 2.
2. Respondent further acknowledges and agrees that pursuant to Decision R12-0282-I Adnane Bouayad is the non-attorney representative of the Respondent and that Respondent has had the opportunity to obtain legal counsel to review and to advise him as to this stipulation and settlement agreement, but Respondent chose to not avail himself of that opportunity.
3. This Agreement has been reached in consideration of Respondent’s admission of liability in Paragraph 1, above, and 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 the reasons set out in Paragraph 7 below, The Parties have agreed to a reduction in the amount of the alleged violation from \$500.00 to \$250.00, payable in full as set forth in Paragraph 4 below. These amounts include the 10% surcharge pursuant to C.R.S. § 24-34-108.
4. Respondent agrees to pay the full amount of \$250.00 to the Colorado Public Utilities Commission on or before the ten day period beginning on the date of a final decision of the Commission in this case. Respondent has recognized that failure to comply with paying this full amount will result admittance of liability to 4 723-6-6310(c) as set forth in CPAN 10271 and the resulting payment amount of \$ 1,110.00 being due and payable immediately, less any payments, if any, made to that point, without any further hearing.

Stipulation & Settlement Agreement
Exhibit 1 – Motion to Approve Settlement
Docket 12G-087EC
Page 2 of 4

5. Respondent agrees and stipulates that failure to pay the settlement amount in full as agreed to as timeliness of payment and payment in full 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 with the Commission or any court in Colorado. This result will mean that no additional administrative or adjudicatory time and expense will be incurred by the Commission, Staff and/or the Respondent.
6. Respondent further agrees and stipulates that failure to pay the in the time as set forth and in the full amount set forth shall also be deemed a violation of Commission Order R12-0071 in Docket No. 11G-814EC which approved a Stipulation and Settlement Agreement and shall result in an immediate payment of \$825.00 pursuant to that Commission Order.
7. Respondent further agrees that if during any investigations conducted by the Staff of the Commission within one year of the date of a Commission final order in this docket, should any violation which the Respondent has previously admitted liability be found, i.e. violation of 4CCR 723-6310(d), Respondent shall be liable for an additional amount pertaining to this docket of \$1100.00, less any payments made in accordance with paragraph 3 above. In the event such violation occurs, such payment will be due immediately. Respondent and Staff agree that the specific intent of paragraph 5 is to prevent further violations of Commission rules.
8. In addition to the reasons expressed in paragraph 1, 2, and 3 above, Staff and Respondent 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 Respondent has admitted to the maximum level of culpability for the violation of 6-CCR-6310(d) and previously admitted to the maximum level of culpability for violation of 6 CCR-6310(c) and was found to have committed that violation in Decision R12-0071 in Docket No. 11G-814EC.
 - b. The Respondent is the sole owner, operator and employee of this business and as such has a very limited income.
 - c. The Respondent admits the following facts: that the independent contractor drivers he hired did not have charter orders when requested. He further admits that the charter orders he relied on did not provide the correct written information as to which individual was to be given limousine service in a situation where the Respondent has been hired to provide limousine service by a company which requested limousine service for more than one individual at the

Stipulation & Settlement Agreement
Exhibit 1 – Motion to Approve Settlement
Docket 12G-087EC
Page 3 of 4

same time and that the Respondent failed to provide charter orders with the name of the actual individuals accepting the service on behalf of the Company for different destinations, when the Respondent subcontracted the work for the limousine service.

d. Staff admits that the issuance of CPAN for one or more violations is solely within its purview.

8. 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 a further order issued by the Public Utilities Commission.

EXECUTED this ____ day of _March_ 2012.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

Approved as to form:

JOHN W. SUTHERS, ATTORNEY GENERAL

By: 
Cliff Hinson

By: _____
Jean S. Watson-Weidner

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Docket 12G-087EC
Page 3 of 4

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EXECUTED this 30th day of March 2012.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

Approved as to form:

JOHN W. SUTHERS, ATTORNEY GENERAL

By: _____
Cliff Hinson

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Denver, Colorado 80202

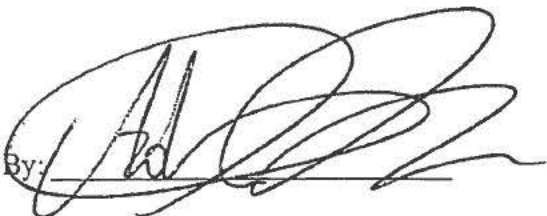
Supervisor, Safety and Enforcement
Colorado Public Utilities Commission

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