



13C-1384EC

John W. Suthers
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STATE OF COLORADO
DEPARTMENT OF LAW
Revenue and Utilities Section

Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 8th Floor
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January 2, 2014

VIA HAND DELIVERY

Hon. Melody Mirbaba, Administrative Law Judge
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

RE: Denver Lincoln Limousine, Inc. Revocation Proceeding

Dear Judge Mirbaba:

On December 19, 2013, the Staff of the Public Utilities Commission was served with the attached Motion in the above-referenced proceeding, filed by Arnold C. Poppenberg III on behalf of Denver Lincoln Limousine, Inc. The motion was filed in Proceeding 13G-0134EC. As you will recall, Staff presented un rebutted testimony that a prior Order issued in 13G-0134EC, and non-compliance with that Order was one of the bases on which the Staff has brought its order to show cause proceeding.

Because it was filed in the wrong proceeding, we bring the Motion to your attention, and ask that you strike the Motion, or deny it on the merits.

As you admonished Mr. Poppenberg at the hearing, you would not accept any evidence submitted after the hearing. With regard to Staff's Exhibit 2, he was provided a copy of the exhibit at the hearing, and could have asked that it be admitted at that time. (For clarity, Staff had included this exhibit in order to show that it served Denver Lincoln Limousine at the address it had on file. Since Mr. Poppenberg appeared at the hearing, it was not necessary for Staff to introduce it into evidence.) Mr. Poppenberg did not seek to introduce Staff's Exhibit 2, and should be precluded from introducing evidence at this time.

Further, Mr. Poppenberg has attempted to provide a complete copy of the March 1, 2010 email he attempted to introduce into evidence at the hearing. Again, he should be precluded from offering evidence after the hearing – especially since he has not provided any reason why the complete document could not have been offered at the time of the hearing.

RECEIVED
STATE OF COLORADO
PUBLIC UTILITIES COM. L.
7/11 JAN -2 PM 3:07

Colorado PUC E-Fileings System

In addition, the Staff requests that the Motion be denied, as the requested exhibits are not relevant to the issues at hand. Denver Lincoln Limousine, Inc.'s defense to the order to show cause was lack of jurisdiction. However, Denver Lincoln Limousine, Inc. has failed to demonstrate that the Unified Carrier Rules deprive the Commission from jurisdiction over this carrier. The Unified Carrier Rules, 4 CCR 723-6-6009(h)(I), only exempt Denver Lincoln Limousine from the requirement of obtaining stamps from the PUC. The Rules do not exempt Denver Lincoln Limousine from any of the requirements set forth in Title 40 of the Colorado Revised Statutes, or any of the rules set forth in 4 CCR 723-6-6000 *et seq.*

Denver Lincoln Limousine, Inc. expressed reasons why it wanted to retain its "LL" number, yet wanted to avoid compliance with the rules and regulations of the Commission. Non-compliance with two separate orders issued by the Commission justifies revocation pursuant to section 40-10.1-112(1), C.R.S.

Because the Motion disregards the judge's directions regarding introduction of evidence – and because the Respondent has not given any justification why the evidence could not be produced at the December 13 hearing – the Motion should be stricken.

Further, because the Motion and the proposed exhibits only lend support to Respondent's legally unsupportable jurisdiction argument, the exhibits are irrelevant to the issues in this proceeding. For this reason, the Motion should be denied.

If the judge were to grant the Respondent leave to file a reply pursuant to Rule 1400(e), Staff would not object.

Sincerely,

FOR THE ATTORNEY GENERAL



MICHAEL J. AXELRAD
Assistant Attorney General
Transportation Unit
Revenue & Utilities Section
720-508-6359
720-508-6038 (FAX)
Email: michael.axelrad@state.co.us

Enclosure

Page 3

cc: Denver Lincoln Limousine, Inc. (by First Class mail)
Eric T. Meyer, First Assistant Attorney General (by email)
Cliff Hinson, Manager, Investigations & Compliance (by email)
Vanessa Condra, Authorities Analyst (by email)
Larry Herold, Manager, Transportation Rates & Authorities Unit (by email)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

Docket No. 13G-0134EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.

Complainant

v.

DENVER LINCOLN LIMOUSINE, INC.

Respondent

MOTION TO ADMIT COMPLAINANTS EXHIBIT #2 BY THE RESPONDENT

TO ALL PARTIES IN INTEREST:

PLEASE TAKE NOTE that the Respondent through A. C. Poppenberg, III, President and

Owner hereby claims that at the hearing on December 13, 2013, I asked about any PUC records of

“STAMPS” held by the PUC. The Complainant and the Witness had firsthand knowledge of the existence of these records. In fact these records were:

1. Were not disclosed under oath by Vanessa Condra or admitted about having any knowledge of records about “STAMPS” held at the PUC.
2. The PUC Stamps that were or were NOT purchased by the Respondent is recorded.
3. Complainants Exhibit #2 “Complete Information For Utility - Denver Lincoln Limousine, Inc.” on page 5 of 7 clearly shows “Stamp Information”. (ATTACHED)
4. Complainants Exhibit #2 clearly shows it was Prepared by: PUC - Condra, Vanessa
5. Complainants Exhibit #2 clearly shows it was prepared on 12/11/2013 at 15:28

6. Complainants Exhibit #2 indicates Vanessa Condra was the witness laying the foundation for the exhibit on the bottom.
7. Complainants Exhibit #2 shows the last year stamps were purchased was 2008.
8. Complainants Exhibit #2 shows THAT NO STAMPS WERE ISSUED FOR 2009.
9. Complainants Exhibit #2 shows THAT NO STAMPS WERE ISSUED FOR 2010.
10. Complainants Exhibit #2 shows THAT NO STAMPS WERE ISSUED FOR 2011.
11. Complainants Exhibit #2 shows THAT NO STAMPS WERE ISSUED FOR 2012.
12. Complainants Exhibit #2 shows THAT NO STAMPS WERE ISSUED FOR 2013.
13. Complainants Exhibit #2 on page 7 of 7 indicates "Show Cause" hearings that the Respondent was not aware of were for not purchasing stamps for vehicles and they were DISMISSED and it is noted "UCR" (Unified Carrier Registration).
14. The Assistant Attorney General chose not to present this at the hearing because it clearly shows that the respondent did not have any vehicles registered for use under LL-139.
15. Without any "vehicles" there can not be any "Drivers".

RESPONDENT COMES NOW and asks the court to admit the Complainants Exhibit #2 as proof that no vehicles were registered with the PUC from 2009 to present. The Respondent was not allowed to argue to the court the following points due to Vanessa Condra's denial of the stamp records that the Complainant was holding at the time.

16. If no vehicles were registered with the PUC since 2009 and the PUC clearly records yearly stamp purchases for vehicles. The PUC has acquiesced and acknowledged that Denver Lincoln Limousine, Inc. was operating under a Unified Carrier Registration and is subject to only 6400 Rules.

17. Rule 6001(cc) "Limited regulation carrier" does not include a UCR registrant.
18. As a UCR registrant rule 6009(h)(I) is exempt from paragraphs (a) through (g) of this rule, Rule 6009 (g) states "A motor carrier shall not operate a motor vehicle unless it has affixed a valid vehicle stamp to the inside lower right-hand corner of the motor vehicles windshield. In....." If no vehicles have PUC stamp the Respondent is not a "Motor Carrier". Further a "Motor Carrier" under Rule 6001(gg) can only provide intrastate commerce. 6400 Unified Carrier Registration Rules do not require compliance with 6300 Limited Regulation Carrier Rules.
19. The CSPAN issued on vehicles not registered with the Colorado PUC in 2011 and 2012.
20. 6400 Unified Carrier Registration Rules do not require compliance with 6300 Limited Regulation Carrier Rules.
21. The CSPAN issued on vehicles not registered with the Colorado PUC since 2009. Is an over reach of the commission's rules.

There are no Colorado rules that address vehicles used in interstate and intrastate commerce in any of the PUC rules. There are no rules for any INTERSTATE operations other than the 6400 rules requiring to pay a fee to operate in Interstate commerce. It is clearly unrealistic burden be compliant with all 64 Counties of the State of Colorado and the Cities located in the Counties as a Federal Motor Carrier. See **CHAPTER 145—FEDERAL-STATE RELATIONS** Sec. 14501. Federal authority over intrastate transportation. (ATTACHED)

I have also sent page two of the March 1, 2010 Email I sent to Bob Laws in an effort to clarify and rumor. Later I did get the Denver Police Training Bulletin that confirmed the rumor. (ATTACHED).

I hope that you will allow me to supplement the items in this motion as an Offer of Proof in the actions that Denver Lincoln Limousine, Inc. has taken. I look forward to your decision in order to move forward.

DATED this 19th Day of December 2013.

Respectfully Submitted,

DENVER LINCOLN LIMOUSINE INC.
BY: A.C. Poppenberg III Pres.

A.C. Poppenberg, III, President
Denver
Lincoln Limousine, Inc.
4950 South Yosemite Street, F2-216
Greenwood Village, Colorado 80111-1350
303/741-LIMO (5466)

Placed in the United States mail, first class postage prepaid and addressed as follows to:

Colorado PUC
Michael Axelrad, Staff Counsel
1300 Broadway, 8th Floor
Denver, Colorado 80203

Colorado PUC
Commission Litigation
1560 Broadway, Suite 250
Denver, Colorado 80202

Complete Information For
Utility - Denver Lincoln Limousine Inc

Name Information

Utility Name: Denver Lincoln Limousine Inc

Web Address:

Status: ACTIVE

US DOT #: 970909

Business Type: CORPORATION

State Code:

Trade Name:

Self Insured:

Alias/Name History Information

<u>Alias Type Code</u>	<u>Alias</u>	<u>Dates</u>
NAME HISTORY	Denver Lincoln Limousine Inc	07/24/2003 -
NAME HISTORY	Denver Lincoln Limousine, Inc.	08/15/2001 - 07/24/2003

Address Information

<u>Address Type Code</u>	<u>Address</u>	<u>Dates</u>
CCTS TRANSPORTATION (C) B. Laws (U)	Denver Lincoln Limousine Inc PO Box 49271 Denver, CO 80249	02/15/2002 -
CCTS TRANSPORTATION (C) T. Barrett (U)	Denver Lincoln Limousine Inc 4660 S. Yosemite Street #9133 Greenwood Village, CO 80111	05/08/2001 -
CCTS TRANSPORTATION (C) T. TRNF11 (U)	Denver Lincoln Limousine Inc 4660 S. Yosemite, No. 9133 Greenwood Village, CO 80111	09/13/1999 -
MAILING (C) J. Poley (U)	Denver Lincoln Limousine Inc Attn: Arnold C Poppenberg, Pres 4950 South Yosemite Street F2-216 Greenwood Village, CO 80111	03/31/2006 -
MAILING (C) S. Wallace (U) J. Poley 3/31/2006 07:33:09	Denver Lincoln Limousine Inc Arnold C. Poppenberg, President 4660 South Yosemite Street # 9133 Greenwood Village, CO 80111-1227	07/01/2005 - 03/31/2006

Not used!

Complete Information For

Utility - Denver Lincoln Limousine Inc

Address Information

<u>Address Type Code</u>	<u>Address</u>	<u>Dates</u>
OPR MAILING (C) J. Poley (U) J. Poley 10/11/2006 10:44:01	Denver Lincoln Limousine Inc Attn: Arnold C Poppenberg, Pres 4950 South Yosemite Street F2-216 Greenwood Village, CO 80111	03/31/2006 -
OPR MAILING (C) I. SYSTEM DEVELOPER (U) J. Poley 10/11/2006 10:43:48	Denver Lincoln Limousine Inc Arnold C. Poppenberg, President 4660 South Yosemite Street # 9133 Greenwood Village, CO 80111-1227	06/18/2003 - 10/11/2006
PHYSICAL (C) I. SYSTEM DEVELOPER (U) R. Rodriguez 5/5/2006 16:53:09	Denver Lincoln Limousine Inc 3760 Wheeling Street # 6 Aurora, CO 80239	06/18/2003 -

Phone Information

<u>Phone Type Code</u>	<u>Phone Number</u>	<u>Dates</u>
BUSINESS FAX	303.861.5466	Phone added during OPRIGHTS convers 06/18/2003 -
BUSINESS PHONE	303.741.5466	Phone added during OPRIGHTS convers 06/18/2003 -

Email Information

<u>Email Type Code</u>	<u>Email Address</u>	<u>Dates</u>
BUSINESS	INFO@741LIMO.com	03/31/2006 -

PUC Number / Utility ID Information

<u>PUC Number / Utility ID</u>	<u>Applies To</u>	<u>Dates</u>
LL-139	TRANSPORTATION, LUXURY LIMOUSINE	02/11/2003 -
PRC-54519	TRANSPORTATION, PROPERTY	05/30/1996 - 08/05/2009

Utility Type / Category / Sub Category Information

<u>Status</u>	<u>Type, Category, Sub Category</u>	<u>Dates</u>
ACTIVE	TRANSPORTATION, --, --	05/30/1996 -
ACTIVE	TRANSPORTATION, LUXURY LIMO, --	02/11/2003 -
INACTIVE	TRANSPORTATION, PROPERTY CARRIER, --	05/30/1996 - 08/05/2009

Mailing List Information**Member of the following Mailing Lists:**

TRANSPORTATION ALL, Transportation, All

Complete Information For Utility - Denver Lincoln Limousine Inc

Contact Information**AGENT**

Contact Name: Lisa Bausch-Cardiff 1600 Stout Street #16 **Address:** Lisa Bausch-Cardiff 1600 Stout Street #1600
Denver CO 80202

Phone: <No Phone>

Denver Lincoln Limousine Inc

Fax: <No Fax>

Email Address: Lisa Bausch-Cardiff 1600 Stout Street #16

(C) I. SYSTEM DEVEL

(U)

Related Person Information

<u>Related Person</u>	<u>Relationship</u>	<u>Title</u>	<u>Dates</u>
Kyle Davenport	DESIGNATED AGENT		03/14/2013 -
Lisa Bausch-Cardiff	DESIGNATED AGENT		06/26/2003 - 03/14/2013

Docket Filing Party Information

<u>Docket Number</u>	<u>Filing Party Type</u>	<u>Title</u>
03R-554TR	<Not Assigned>	Repeal Re-enact Transportation Rules
04M-608CP	APPLICANT	Denver Lincoln Limousine, Inc.-Waiver 391.41(B)(10)
06G-200EC	RESPONDENT	78318-CPAN-Denver Lincoln Limousine Inc
12C-027-INS	RESPONDENT	Revocation of Authorities
12G-968EC	RESPONDENT	104352-CPAN - Denver Lincoln Limousine Inc
13G-0134EC	RESPONDENT	105392-CPAN - Denver Lincoln Limousine

Docket Compliance Information

<u>Docket Number</u>	<u>Filing Date</u>	<u>Compliance Code</u>	<u>Required Date</u>	<u>Actual Date</u>
12G-968EC	09/04/2012	PAYMENT OF FINE	01/21/2013	00/00/0000
13G-0134EC	02/25/2013	PAYMENT OF FINE	08/02/2013	00/00/0000

Docket Document Filing Party Information

<u>Docket Number</u>	<u>Filing Date</u>	<u>Document Type / Title</u>
08R-478TR	12/04/2008	COMMENTS Comments from Denver Lincoln Limousine, Inc.
12G-968EC	09/04/2012	CIVIL PENALTY ASSESS 104352-CPAN-Denver Lincoln Limousine Inc

Application Information

<u>Application Number</u>	<u>Application Type</u>	<u>Application Status</u>	<u>Application Date</u>
XXAP-LL-139	LUXURY LIMOUSINE	Permit Issued	02/11/2003
XXAP-PRC-54519	PROPERTY	Permit Issued	05/30/1996

Complete Information For

Utility - Denver Lincoln Limousine Inc

Insurance Information					
<u>Policy Number</u>	<u>Coverage</u>	<u>Form</u>	<u>Insurance Carrier</u>	<u>Effective Date</u>	<u>Cancel Date</u>
TP8044	PRIMARY	E	Northland Insurance Company	10/18/1991	01/01/1999
5BAP941966100	PRIMARY	E	Houston General Insurance Company	09/03/1992	07/08/1993
5BAP941966100	PRIMARY	E	Houston General Insurance Company	07/08/1993	01/01/1999
5BAP941966100	PRIMARY	E	Houston General Insurance Company	09/02/1993	01/01/1999
5BAP941966101	PRIMARY	E	Houston General Insurance Company	02/14/1994	05/19/1994
5BAP941966101	PRIMARY	E	Houston General Insurance Company	05/19/1994	09/02/1994
1336184937	PRIMARY	E	United States Fire Insurance Company	09/03/1994	09/08/1996
BA1211902	PRIMARY	E	Guaranty National Insurance Company	09/06/1996	12/20/1996
BA1211902	PRIMARY	E	Guaranty National Insurance Company	12/20/1996	05/16/1997
BA1211902	PRIMARY	E	Guaranty National Insurance Company	05/16/1997	08/28/1997
BA1211902	PRIMARY	E	Guaranty National Insurance Company	07/29/1997	09/06/1997
PUB100500	PRIMARY	E	Connecticut Indemnity Company, The	09/06/1997	09/06/1998
CAI0010212	PRIMARY	E	Scottsdale Indemnity Company	09/06/1998	02/17/1998
CAI0010212	PRIMARY	E	Scottsdale Indemnity Company	09/06/1998	02/17/1999
CAI0010212	PRIMARY	E	Scottsdale Indemnity Company	02/17/1999	09/06/1999
CAI0011358	PRIMARY	E	Scottsdale Indemnity Company	09/06/1999	02/25/2000
CAI0011358	PRIMARY	E	Scottsdale Indemnity Company	02/25/2000	06/19/2000
CAI0011358	PRIMARY	E	Scottsdale Indemnity Company	06/19/2000	09/06/2000
TP212315	PRIMARY	E	Northland Insurance Company	09/06/2000	01/09/2001
TP212415	PRIMARY	E	Northland Insurance Company	01/09/2001	03/14/2001
TP212415	PRIMARY	E	Northland Insurance Company	03/14/2001	02/21/2002
TP216081	PRIMARY	E	Northland Insurance Company	02/19/2002	01/07/2003
TP220371	PRIMARY	E	Northland Insurance Company	01/31/2003	05/06/2003
TP220371	PRIMARY	E	Northland Insurance Company	05/06/2003	07/02/2003
TP220371	PRIMARY	E	Northland Insurance Company	07/02/2003	09/05/2003
TP220371	PRIMARY	E	Northland Insurance Company	09/05/2003	01/31/2004
340856	PRIMARY	E	Carolina Casualty Insurance Company	02/03/2004	02/03/2005
CAOL006535	PRIMARY	E	National Casualty Company	02/03/2005	01/16/2006
CAOL006535	PRIMARY	E	National Casualty Company	01/16/2006	03/02/2006
CAOL008334	PRIMARY	E	National Casualty Company	02/03/2006	04/21/2006
CAOL008334	PRIMARY	E	National Casualty Company	04/21/2006	09/12/2006
CAOL008334	PRIMARY	E	National Casualty Company	09/12/2006	10/18/2006
CAOL008334	PRIMARY	E	National Casualty Company	10/18/2006	02/03/2007
LPA104534	PRIMARY	E	Lincoln General Insurance Company	02/03/2007	05/10/2007
LPA104534	PRIMARY	E	Lincoln General Insurance Company	05/10/2007	11/14/2007
LPA104534	PRIMARY	E	Lincoln General Insurance Company	11/14/2007	02/03/2008
CL940631	PRIMARY	E	Empire Fire and Marine Insurance Com	02/03/2008	05/07/2008
CL940631	PRIMARY	E	Empire Fire and Marine Insurance Com	05/07/2008	09/10/2008

Complete Information For Utility - Denver Lincoln Limousine Inc

Insurance Information

<u>Policy Number</u>	<u>Coverage</u>	<u>Form</u>	<u>Insurance Carrier</u>	<u>Effective Date</u>	<u>Cancel Date</u>
CL940631	PRIMARY	E	Empire Fire and Marine Insurance Com	09/10/2008	02/03/2009
BAP9174189	PRIMARY	E	Zurich American Insurance Company	02/03/2009	02/03/2010
BAP9174189-01	PRIMARY	E	Zurich American Insurance Company	02/03/2010	07/09/2010
BAP9174189	PRIMARY	E	Zurich American Insurance Company	07/09/2010	07/09/2010
GLA9174189	PRIMARY	E	Zurich American Insurance Company	07/09/2010	07/30/2010
GLA9174189	PRIMARY	E	Zurich American Insurance Company	07/30/2010	11/30/2010
GLA9174189	PRIMARY	E	Zurich American Insurance Company	11/30/2010	01/03/2012
GLA917418902	PRIMARY	E	Zurich American Insurance Company	01/03/2012	03/16/2012
BA724856	PRIMARY	E	American Southern Insurance Compan	02/03/2012	02/13/2013
PHPK975342	PRIMARY	E	Philadelphia Indemnity Insurance Com	02/03/2013	00/00/0000

Stamp Information

<u>Issue Date</u>	<u>Issue Year</u>	<u>Stamp Type</u>	<u>Begin #</u>	<u>End #</u>	<u># Stamps</u>	<u>Status</u>
01/03/2000		INTRASTATE	17109	17114	6	ISSUED
01/03/2000		INTRASTATE	17117	17124	8	ISSUED
12/29/2000		INTRASTATE	1362	1369	8	ISSUED
12/31/2001		INTRASTATE	16934	16943	10	ISSUED
08/26/2002		INTRASTATE	14346	14347	2	ISSUED
01/02/2003		INTRASTATE	14098	14107	10	ISSUED
01/02/2003		INTRASTATE	14098	14107	10	ISSUED
12/26/2003	2004	INTRASTATE	13167	13173	7	ISSUED
11/16/2004	2005	INTRASTATE	09731	09740	10	ISSUED
12/14/2004	2005	INTRASTATE	15031	15031	1	ISSUED
02/17/2005	2005	INTRASTATE	21803	21803	1	ISSUED
05/24/2005	2005	INTRASTATE	24225	24225	1	ISSUED
07/14/2005	2005	INTRASTATE	24974	24974	1	ISSUED
10/31/2005	2005	INTRASTATE	26060	26060	1	ISSUED
10/31/2005	2006	INTRASTATE	9697	9706	10	ISSUED
01/03/2007	2007	INTRASTATE	17481	17490	10	ISSUED
05/16/2007	2007	INTRASTATE	22847	22849	3	ISSUED
08/21/2007	2007	INTRASTATE	24019	24021	3	ISSUED
12/13/2007	2008	INTRASTATE	10610	10621	12	ISSUED
08/21/2008	2008	INTRASTATE	21349	21354	6	ISSUED

Show Cause/Article 16 Information

<u>Puc Number</u>	<u>Type</u>	<u>Case #</u>	<u>Reason</u>	<u>Resolution</u>	<u>Resolution Date</u>
LL-139	ARTICLE 16		E	REVOKED	01/15/2003

d_rslt_utility_composite_info
Prepared by: PUC - Condra, Vanessa

12/11/2013 15:28
Page 5 of 7

Exhibit 2
Denver Lincoln Limousine Revocation Complaint
Wintess Laying Foundation: Vanessa Condra
Hearing Date: December 13, 2013

Complete Information For

Utility - Denver Lincoln Limousine Inc

Show Cause/Article 16 Information

<u>Puc Number</u>	<u>Type</u>	<u>Case #</u>	<u>Reason</u>	<u>Resolution</u>	<u>Resolution Date</u>
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	REVOKED	01/15/2003
PRC-54519	ARTICLE 16		E	REVOKED	01/15/2003
LL-139	ARTICLE 16		E	DISMISSED	05/08/2003
PRC-54519	ARTICLE 16		E	DISMISSED	05/08/2003
PRC-54519	ARTICLE 16		E	DISMISSED	09/10/2003
LL-139	ARTICLE 16		E	DISMISSED	09/10/2003
PRC-54519	ARTICLE 16	05977-INS	E	DISMISSED	02/16/2004
LL-139	ARTICLE 16	05976-INS	E	DISMISSED	02/16/2004
PRC-54519	ARTICLE 16		E	REVOKED	02/15/2005
LL-139	ARTICLE 16		E	REVOKED	02/15/2005
PRC-54519	ARTICLE 16		E	DISMISSED	01/09/2006
LL-139	ARTICLE 16		E	DISMISSED	01/09/2006
PRC-54519	ARTICLE 16		E	REVOKED	05/05/2006
LL-139	ARTICLE 16		E	REVOKED	05/05/2006
PRC-54519	ARTICLE 16		E	DISMISSED	10/11/2006
LL-139	ARTICLE 16		E	DISMISSED	10/11/2006
LL-139	ARTICLE 16		E	DISMISSED	02/07/2007
PRC-54519	ARTICLE 16		E	DISMISSED	02/07/2007
PRC-54519	ARTICLE 16		E	REVOKED	05/15/2007
LL-139	ARTICLE 16		E	REVOKED	05/15/2007
PRC-54519	ARTICLE 16		E	DISMISSED	02/08/2008
LL-139	ARTICLE 16		E	DISMISSED	02/08/2008

Complete Information For
Utility - Denver Lincoln Limousine Inc

Show Cause / Article 16 Information

<u>Puc Number</u>	<u>Type</u>	<u>Case #</u>	<u>Reason</u>	<u>Resolution</u>	<u>Resolution Date</u>
PRC-54519	SHOW CAUSE	11042-INS	E	DISMISSED	02/04/2009
LL-139	SHOW CAUSE	11041-INS	E	DISMISSED	02/04/2009
LL-139	SHOW CAUSE	02279-STP	NO STAMPS	DISMISSED	08/27/2009
LL-139	SHOW CAUSE	13080-INS	E	DISMISSED	02/02/2010
LL-139	SHOW CAUSE		UCR	DISMISSED	08/30/2010
LL-139	SHOW CAUSE		UCR	DISMISSED	08/17/2011
LL-139	SHOW CAUSE	01057-INS	E	DISMISSED	01/19/2012
LL-139	SHOW CAUSE		UCR	DISMISSED	04/06/2012

(2) The total fixed charges that result from the proposed transaction.

(3) The interest of carrier employees affected by the proposed transaction.

The Board may impose conditions governing the transaction.

(c) DETERMINATION OF COMPLETENESS OF APPLICATION.—Within 30 days after the date on which an application is filed under this section, the Board shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

(d) COMMENTS.—Written comments about an application may be filed with the Board within 45 days after the date on which notice of the application is published under subsection (c).

(e) DEADLINES.—The Board shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Board shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Board may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

(f) EFFECT OF APPROVAL.—A carrier or corporation participating in or resulting from a transaction approved by the Board under this section, or exempted by the Board from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

(g) LIMITATION ON APPLICABILITY.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than \$2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

(h) APPLICABILITY OF CERTAIN PROVISIONS.—When the Board approves and authorizes a transaction under this section in which a person not a carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 acquires control of at least 1 carrier subject to such jurisdiction, the person is subject, as a carrier, to the following provisions of this title that apply to the carrier being acquired by that person, to the extent specified by the Board: sections 504(f), 14121–14123, 14901(a), and 14907.

(i) INTERIM APPROVAL.—Pending determination of an application filed under this section, the Board may approve, for a period of not more than 180 days, the operation of the properties sought to be acquired by the person proposing in the application to acquire those properties, when it appears that failure to do so may result in destruction of or injury to those properties or substantially interfere with their future usefulness in providing adequate and continuous serv-

ice to the public. Transportation provided by a motor carrier under a grant of approval under this subsection is subject to this part.

(j) SUPPLEMENTAL ORDERS.—When cause exists, the Board may issue appropriate orders supplemental to an order made in a proceeding under this section.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 897.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 11341, 11343, 11344, 11345a, 11348, 11349, and 11351 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

CHAPTER 145—FEDERAL-STATE RELATIONS

Sec.

- | | |
|---------|---|
| 14501. | Federal authority over intrastate transportation. |
| 14502. | Tax discrimination against motor carrier transportation property. |
| 14503. | Withholding State and local income tax by certain carriers. |
| [14504. | Repealed.] |
| 14504a. | Unified Carrier Registration System plan and agreement. |
| 14505. | State tax. |
| 14506. | Identification of vehicles. |

AMENDMENTS

2005—Pub. L. 109-59, title IV, §§ 4305(c), 4306(b), Aug. 10, 2005, 119 Stat. 1773, 1774, added items 14504a and 14506.

Pub. L. 109-59, title IV, § 4305(a), Aug. 10, 2005, 119 Stat. 1764, as amended by Pub. L. 110-53, title XV, § 1537(c), Aug. 3, 2007, 121 Stat. 467, struck out item 14504 "Registration of motor carriers by a State", effective Jan. 1, 2008.

§ 14501. Federal authority over intrastate transportation

(a) MOTOR CARRIERS OF PASSENGERS.—

(1) LIMITATION ON STATE LAW.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to—

(A) scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by a motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route;

(B) the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required; or

(C) the authority to provide intrastate or interstate charter bus transportation.

This paragraph shall not apply to intrastate commuter bus operations, or to intrastate bus transportation of any nature in the State of Hawaii.

(2) MATTERS NOT COVERED.—Paragraph (1) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle, or the au-

thority of a State to regulate carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization.

(b) FREIGHT FORWARDERS AND BROKERS.—

(1) GENERAL RULE.—Subject to paragraph (2) of this subsection, no State or political subdivision thereof and no intrastate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to intrastate rates, intrastate routes, or intrastate services of any freight forwarder or broker.

(2) CONTINUATION OF HAWAII'S AUTHORITY.—Nothing in this subsection and the amendments made by the Surface Freight Forwarder Deregulation Act of 1986 shall be construed to affect the authority of the State of Hawaii to continue to regulate a motor carrier operating within the State of Hawaii.

(c) MOTOR CARRIERS OF PROPERTY.—

(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4)) or any motor private carrier, broker, or freight forwarder with respect to the transportation of property.

(2) MATTERS NOT COVERED.—Paragraph (1)—

(A) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization;

(B) does not apply to the intrastate transportation of household goods; and

(C) does not apply to the authority of a State or a political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the price of for-hire motor vehicle transportation by a tow truck, if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.

(3) STATE STANDARD TRANSPORTATION PRACTICES.—

(A) CONTINUATION.—Paragraph (1) shall not affect any authority of a State, political subdivision of a State, or political authority of 2 or more States to enact or enforce a law, regulation, or other provision, with respect to the intrastate transportation of property by motor carriers, related to—

- (i) uniform cargo liability rules,
- (ii) uniform bills of lading or receipts for property being transported,
- (iii) uniform cargo credit rules,

(iv) antitrust immunity for joint line rates or routes, classifications, mileage guides, and pooling, or

(v) antitrust immunity for agent-van line operations (as set forth in section 13907),

if such law, regulation, or provision meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—A law, regulation, or provision of a State, political subdivision, or political authority meets the requirements of this subparagraph if—

(i) the law, regulation, or provision covers the same subject matter as, and compliance with such law, regulation, or provision is no more burdensome than compliance with, a provision of this part or a regulation issued by the Secretary or the Board under this part; and

(ii) the law, regulation, or provision only applies to a carrier upon request of such carrier.

(C) ELECTION.—Notwithstanding any other provision of law, a carrier affiliated with a direct air carrier through common controlling ownership may elect to be subject to a law, regulation, or provision of a State, political subdivision, or political authority under this paragraph.

(4) NONAPPLICABILITY TO HAWAII.—This subsection shall not apply with respect to the State of Hawaii.

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from requiring that, in the case of a motor vehicle to be towed from private property without the consent of the owner or operator of the vehicle, the person towing the vehicle have prior written authorization from the property owner or lessee (or an employee or agent thereof) or that such owner or lessee (or an employee or agent thereof) be present at the time the vehicle is towed from the property, or both.

(d) PRE-ARRANGED GROUND TRANSPORTATION.—

(1) IN GENERAL.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing pre-arranged ground transportation service if the motor carrier providing such service—

(A) meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers;

(B) meets all applicable vehicle and intrastate passenger licensing requirements of the State or States in which the motor carrier is domiciled or registered to do business; and

(C) is providing such service pursuant to a contract for—

(i) transportation by the motor carrier from one State, including intermediate stops, to a destination in another State; or

(ii) transportation by the motor carrier from one State, including intermediate

stops in another State, to a destination in the original State.

(2) **INTERMEDIATE STOP DEFINED.**—In this section, the term "intermediate stop", with respect to transportation by a motor carrier, means a pause in the transportation in order for one or more passengers to engage in personal or business activity, but only if the driver providing the transportation to such passenger or passengers does not, before resuming the transportation of such passenger (or at least 1 of such passengers), provide transportation to any other person not included among the passengers being transported when the pause began.

(3) **MATTERS NOT COVERED.**—Nothing in this subsection shall be construed—

(A) as subjecting taxicab service to regulation under chapter 135 or section 31138;

(B) as prohibiting or restricting an airport, train, or bus terminal operator from contracting to provide preferential access or facilities to one or more providers of pre-arranged ground transportation service; and

(C) as restricting the right of any State or political subdivision of a State to require, in a nondiscriminatory manner, that any individual operating a vehicle providing pre-arranged ground transportation service originating in the State or political subdivision have submitted to pre-licensing drug testing or a criminal background investigation of the records of the State in which the operator is domiciled, by the State or political subdivision by which the operator is licensed to provide such service, or by the motor carrier providing such service, as a condition of providing such service.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 899; amended Pub. L. 105-178, title IV, § 4016, June 9, 1998, 112 Stat. 412; Pub. L. 105-277, div. C, title I, § 106, Oct. 21, 1998, 112 Stat. 2681-586; Pub. L. 107-298, § 2, Nov. 26, 2002, 116 Stat. 2342; Pub. L. 109-59, title IV, §§ 4105(a), 4206(a), Aug. 10, 2005, 119 Stat. 1717, 1754.)

REFERENCES IN TEXT

The Surface Freight Forwarder Deregulation Act of 1986, referred to in subsec. (b)(2), is Pub. L. 99-521, Oct. 22, 1986, 100 Stat. 2993. For complete classification of this Act to the Code, see Short Title of 1986 Amendment note set out under section 10101 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11501 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

AMENDMENTS

2005—Subsec. (c)(2)(B). Pub. L. 109-59, § 4206(a), inserted "intrastate" before "transportation".

Subsec. (c)(5). Pub. L. 109-59, § 4105(a), added par. (5).
2002—Subsec. (d). Pub. L. 107-298 added subsec. (d).

1998—Subsec. (a). Pub. L. 105-178 reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: "No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to scheduling of interstate or intrastate

transportation (including discontinuance or reduction in the level of service) provided by motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route or relating to the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required. This subsection shall not apply to intrastate commuter bus operations."

Subsec. (a)(1). Pub. L. 105-277 substituted "operations, or to intrastate bus transportation of any nature in the State of Hawaii" for "operations" in concluding provisions.

EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 701 of this title.

§ 14502. Tax discrimination against motor carrier transportation property

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ASSESSMENT.**—The term "assessment" means valuation for a property tax levied by a taxing district.

(2) **ASSESSMENT JURISDICTION.**—The term "assessment jurisdiction" means a geographical area in a State used in determining the assessed value of property for ad valorem taxation.

(3) **MOTOR CARRIER TRANSPORTATION PROPERTY.**—The term "motor carrier transportation property" means property, as defined by the Secretary, owned or used by a motor carrier providing transportation in interstate commerce whether or not such transportation is subject to jurisdiction under subchapter I of chapter 135.

(4) **COMMERCIAL AND INDUSTRIAL PROPERTY.**—The term "commercial and industrial property" means property, other than transportation property and land used primarily for agricultural purposes or timber growing, devoted to a commercial or industrial use, and subject to a property tax levy.

(b) **ACTS BURDENING INTERSTATE COMMERCE.**—The following acts unreasonably burden and discriminate against interstate commerce and a State, subdivision of a State, or authority acting for a State or subdivision of a State may not do any of them:

(1) **EXCESSIVE VALUATION OF PROPERTY.**—Assess motor carrier transportation property at a value that has a higher ratio to the true market value of the motor carrier transportation property than the ratio that the assessed value of other commercial and industrial property in the same assessment jurisdiction has to the true market value of the other commercial and industrial property.

(2) **TAX ON ASSESSMENT.**—Levy or collect a tax on an assessment that may not be made under paragraph (1).

(3) **AD VALOREM TAX.**—Levy or collect an ad valorem property tax on motor carrier transportation property at a tax rate that exceeds the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

(c) **JURISDICTION.**—

Andy

From: Laws, Bob [Bob.Laws@dora.state.co.us]
Sent: Monday, March 01, 2010 1:40 PM
To: 'Andy'; henry.jones@diadenver.net; mike.percy@flydenver.net
Cc: Lester.melonakis@DIAdenver.net; terry.smith@flydenver.net; Ioannides, Dino; Opeka, John; 'Karl D. Kaesemeyer'; 'Michael J. Dommermuth'; Michael.Joyce@denvergov.org; michael.hancock@denvergov.org; 'Shane Stickel'; dave.ferrill@denvergov.org; Willert, Terry; Pacheco, Monita; Hlnson, Cliff
Subject: RE:

Andy (and all interested parties):

Denver Lincoln Limousine Inc is the holder of an Interstate USDOT #970909 with an Interstate operating authority of MC413507. This entity has paid into the federal UCR program for the years of 2007, 2008, and 2009, and has covered all vehicles under this program and its fee structure. The UCR program and registration requirements for 2010 are currently suspended due to the fact the the UCR program is currently in a state of rulemaking to determine exact fees and implementation. Until such time as the 2010 UCR program is straightened out, holders of Interstate USDOT numbers have no ability to participate in 2010. The States (including Colorado) are not to enforce any measure at this time, as there is nothing to enforce. These carriers are also not subject to any intrastate fee, such as the PUC annual stamp (PUC stamp or sticker).

Denver Lincoln Limousine Inc is not subject to having a PUC stamp. This is the bottom line. This entity is also not subject to 2010 UCR at this time, as it does not exist at this time.
This entity has not been subject to PUC stamps since 2007.

As for the Excise and License operators license and related issues, this is not a PUC matter at all. The rumor mentioned below would be incorrect.

Bob Laws
Criminal Investigator III
Colorado Department of
Regulatory Agencies
Public Utilities Commission
Safety and Compliance Unit
1560 Broadway, Suite 250
Denver, CO 80202
P 303.894.2848 | F 303.869.0335
www.dora.state.co.us



From: Andy [mailto:Andy@741LIMO.com]
Sent: Monday, March 01, 2010 10:45 AM
To: Laws, Bob; henry.jones@diadenver.net; mike.percy@flydenver.net
Cc: Lester.melonakis@DIAdenver.net; terry.smith@flydenver.net; Ioannides, Dino; Opeka, John; 'Karl D. Kaesemeyer'; 'Michael J. Dommermuth'; Michael.Joyce@denvergov.org; michael.hancock@denvergov.org; 'Shane Stickel'; dave.ferrill@denvergov.org
Subject:

Colorado P.U.C.
Dear Bob Laws:

I need to get from the P.U.C. the rule or statute that exempts Denver Lincoln Limousine, Inc. as a federal carrier under USDOT #970909 MC-413507-C and who is also operating under Colorado LL-139 from having to have displayed on the vehicle a COLORADO P.U.C. 2009 or 2010 stamp. Due to the issues the Federal Government is having this year setting the fees for 2010 set. I need to make sure we are compliant and I get that information placed in the our vehicles asap!

At issue is the \$15 GT fees charged per trip to Denver Lincoln Limousine, Inc. by the Denver airport that indicated the Denver Police Department placed a hold on our Vehicle VIN: **1LNHM84WX5Y653895** Colorado green & white vanity plate **IWAIT4** with E470/DEN tag #**613890** starting on the date of the summons 09GV461394 that was issued November 10, 2009 that was dismissed on January 27, 2010 (see attached). Neither Department is taking responsibility for the fees or the hold at this time.

The Denver Police Department advised the Chauffeur that the vehicle was to be impounded due to the missing stamp. However the charges when it got entered into the computer at the court charged him with a "requirement for dwellings" not a missing PUC Stamp. I can't find the correct Denver Municipal code for it. My concern is that I am compliant with the State and Federal Government requirements by having our PUC number and DOT number on the vehicle. However, I can't get any communications to indicate that the manor that we are operating is in fact understood by the Denver Police Department or Denver International Airport on this issue.

A rumor is that the Colorado PUC has informed either the Denver international Airport or Denver Police Department at the Airport **NOT** to enforce Denver Code 55-41 (Herdic), only to gather information and then forward it to the PUC for further investigation. Is this true?

Sincerely, Andy
A. C. Poppenberg, III, President
Denver Lincoln Limousine, Inc.
303/741-LIMO (5466)
303/861-LIMO
888/741-LIMO



www.741LIMO.com

Operating under Colorado P.U.C. LL-139 issued 1988

www.DenverLincolnLimousine.com

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DENVER POLICE DEPARTMENT

Training Bulletin

GERALD R. WHITMAN, CHIEF OF POLICE

Date of issue: December 1, 2009

Source: Special Operations Division

P.U.C. VIOLATIONS

The Colorado Public Utilities Commission is part of the Department of Regulatory Agencies for the State of Colorado. It serves the public interest by effectively regulating utilities and facilities so that the people of Colorado receive safe, reliable, and reasonably priced services consistent with the economic, environmental and social values of the state. Among the many things they regulate are electric and gas suppliers, telephone and other telecommunication services, and motor carriers transporting passengers for hire. It is issues involving the Transportation Section that law enforcement officers might encounter in their duties. The Transportation Section sets standards and issues permits for such business as taxi companies and limousine companies.

Due to the complex nature of P.U.C. regulations and statutes, if officers encounter what they believe to be a P.U.C. violation they should document the pertinent information and forward it to the following party:

Mr. Bob Laws, Senior Criminal Investigator
1560 Broadway Blvd., Suite 250
Denver, Colorado 80202
303-894-2848
bob.laws@dora.state.co.us

Investigators will follow up and place appropriate criminal charges or civil penalties against the specific violator and/or the carrier. If the case goes to a P.U.C. hearing the officer may be issued a subpoena to testify.