

Decision No. R14-0037-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13G-1320EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

ELITE PRODUCTIONS, LLC, DOING BUSINESS AS, CHERRY CREEK LIMO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
SETTING HEARING**

Mailed Date: January 13, 2014

I. STATEMENT

1. The captioned proceeding was initiated on December 10, 2013, when the Staff of the Colorado Public Utilities Commission (Commission) issued Civil Penalty Assessment Notice (CPAN) No. 108304 to Elite Productions, LLC, doing business as Cherry Creek Limo (Respondent), alleging one violation of Commission regulations for permitting a driver to operate who is not qualified to drive, 4 *Code of Colorado Regulations* (CCR) 723-6-6102(a)(I) of the Commission's Rules Regulating Transportation by Motor Vehicle and 49 *Code of Federal Regulations* § 391.11(a); and one violation for failing to maintain and retain accurate and true time records, including all supporting documentation, 4 CCR 723-6-6103(d)(II)(C). The total amount of the civil penalty assessment for the above violations is \$3,300.00. Respondent was

served with a copy of CPAN No. 108304 on December 12, 2013 by certified mail, return receipt requested.

2. Legal counsel for Staff of the Commission has not, as of the date of this Decision, filed its entry of appearance in this matter.

3. On January 2, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

4. CPAN No. 108304 provides that if Respondent wishes to contest the allegations contained therein, or if Respondent does not pay the penalty amount of \$1,650.00 within ten days of its receipt of the CPAN, Respondent is obliged, within 15 days of such receipt, to contact the Commission to set the matter for hearing. In the absence of such a contact, CPAN No. 108304 provides that it will become a Complaint to Appear Notice and that the Commission will set a hearing date without regard to Respondent's wishes.

5. Respondent failed to respond to the CPAN by indicating it admits that it violated the Commission Rules indicated by paying the civil penalty assessment within the time periods specified in CPAN No. 108304; nor has Respondent contacted the Commission to set a hearing date regarding the alleged violations contained in CPAN No. 108304. Therefore, it is appropriate to set this matter for hearing. The hearing in this matter will be set for Friday, February 28, 2014. If Respondent pays the full civil penalty amount of \$3,300.00 prior to February 27, 2014, the hearing in this matter will be vacated.

II. ORDER

A. It Is Ordered That:

1. An evidentiary hearing regarding Civil Penalty Assessment No. 108304 is scheduled as follows:

DATE: February 28, 2014
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director