

Decision No. R14-0145-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14G-0024EC

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PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

JAMES V. O'HARA DENNY IN HIS OFFICIAL CAPACITY AS OWNER/OPERATOR OF  
TREASURE CHEST TOURS, LLC,

RESPONDENT.

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

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Mailed Date: February 6, 2014

**I. STATEMENT**

1. The captioned proceeding was initiated on December 26, 2013, when the Staff of the Colorado Public Utilities Commission (Commission) issued Civil Penalty Assessment Notice (CPAN) No. 108088 to James O Hara Denny V in his official capacity as owner/operator of Treasure Chest Tours, LLC (Respondent), alleging one violation of § 40-10.1-302(1)(a), C.R.S., for operating or offering to operate a luxury limousine in intrastate commerce without first having obtained a permit, and one violation of § 40-10.1-107(1), C.R.S., for failure to maintain and file with the Commission evidence of financial responsibility pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-6-6007(a)(I) of the Rules Regulating Transportation by Motor Vehicle. The total amount of the civil penalty assessment for the

above violations is \$13,310.00. Respondent was served with a copy of CPAN No. 108088 on January 2, 2014 by a deputy of the Arapahoe County Sheriff's Office.

2. On January 28, 2014, Staff of the Commission filed its entry of appearance in this matter through its legal counsel, the Office of the Colorado Attorney General.

3. On January 29, 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. 108088 provides that if Respondent wishes to contest the allegations contained therein, or if Respondent does not pay the penalty amount 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. 108088 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 laws and Commission Rules indicated by paying the civil penalty assessment within the time periods specified in CPAN No. 108088; nor has Respondent contacted the Commission to set a hearing date regarding the alleged violations contained in CPAN No. 108088. Therefore, it is appropriate to set this matter for hearing. The hearing in this matter will be set for Thursday, March 6, 2014. If Respondent pays the full civil penalty amount of \$13,310.00 prior to March 6, 2014, the hearing in this matter will be vacated.

## II. ORDER

### A. It Is Ordered That:

1. An evidentiary hearing regarding Civil Penalty Assessment Notice No. 108088 is scheduled as follows:

DATE: March 6, 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

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Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,  
Director