

Decision No. R14-1447

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-1101TO

COLORADO PUBLIC UTILITIES COMMISSISON,

COMPLAINANT,

V.

WESTERN SLOPE TOWING, INC.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
ACCEPTING PAYMENT AND CLOSING PROCEEDING**

Mailed Date: December 8, 2014

I. STATEMENT

1. This proceeding was instituted by the issuance of Civil Penalty Assessment Notice (CPAN) No. 110825 on October 31, 2014. The CPAN assessed Western Slope Towing, Inc. (Respondent), a total penalty of \$302.50 for a single violation of 4 *Code of Colorado Regulations* (CCR) 723-6-6509(a)(XIII) of the Commission's Rules Regulating Transportation by Motor Vehicle, for failure to provide specific Public Utilities Commission language on the customer copy of a tow invoice.

2. CPAN No. 110825 was served on Respondent on November 13, 2014 by U.S. Mail, return receipt requested. The total civil penalty of \$302.50 includes a penalty of \$275.00 for the violation of 4 CCR 723-6-6509(a)(XIII), as well as a penalty surcharge pursuant

to § 24-34-108, C.R.S., of 10 percent per violation or \$27.50 for the violation, resulting in a \$302.50 penalty. The subject CPAN provides that payment of a reduced penalty amount shown in the “Total Amount if Paid Within 10 Calendar Days” section of the CPAN will be accepted by the Commission as full payment of the CPAN. In this case, the total reduced penalty amount is \$151.25.

3. The CPAN was referred to the undersigned Administrative Law Judge by the Commission at its regular Weekly Meeting on December 3, 2014 by minute entry.

4. On December 4, 2014, Respondent paid the amount of \$305.50 to the Commission. That payment resolves this matter and, as a result, Proceeding No. 14G-1101TO may now be closed.¹

5. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. Payment of the total reduced penalty amount of \$302.50 set forth in Civil Penalty Assessment Notice No. 110825 issued to Western Slope Towing, Inc. is accepted by the Colorado Public Utilities Commission as payment in full of the Civil Penalty Assessment.

2. Proceeding No. 14G-1101TO is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

¹ It is noted that the civil penalty amount with the 10 percent surcharge indicated on CPAN No. 110825 is \$302.50; however, the amount indicated as paid by Respondent by Receipt No. 51077 is \$305.50. As a result, Respondent is owed a balance of \$3.00 from the Commission. Respondent should contact Commission Transportation Staff to arrange to receive its \$3.00 refund.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge