

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 03G-341EC

2003 SEP 11 PM 12:00

STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28260-CPAN AND MOTION TO CLOSE DOCKET NO. 03G-341EC.

PUBLIC UTILITIES COMMISSION,

Complainant,

v.

Monument Limousine Service LLC

Respondent.

Trial Staff of the Commission ("Staff") and Monument Limousine Service LLC ("Respondent") enter into this Stipulation and request that the Commission issue an order approving its terms as a complete resolution of all issues in this docket. In support of the Stipulation, Staff and Respondent state as follows:

1. On July 24, 2003, Civil Penalty Assessment Notice No. 28260-CPAN ("CPAN") was issued to Respondent by Commission Investigator Paul J. Hoffman. Mr. Hoffman issued the CPAN as the result of the periodic safety and compliance audit he performed. A copy of the CPAN is attached as Appendix A, and by reference incorporated herein.

2. In the CPAN, Respondent was charged with two violations of 4 CCR 723-15; Part 391.25(b) (failed to annually review driving record), two violations of 4 CCR 723-15; Part 391.27(a) (failed to have driver provide annual list of violations), two violations of 4 CCR 723-15; Part 391.45(b)(1) (failed to have driver medically certified and qualified each 24 months), one violation of 4 CCR 723-15; Part 395.3(a)(2) (driver drove after being on duty for 15 consecutive hours), one violation of 4 CCR 723-15; Part 395.8(a) (failed to have driver prepare record of duty status), and one violation of 4 CCR 723-15; Part 396.11(b) (DVIR does not contain the required information).

3. Section 40-7-113(1)(f), C.R.S., and Rule 12.5 of 4 CCR 723-15, allows for a penalty of up to \$200.00 per violation. Staff sought maximum penalties in this case. The total amount of the CPAN is \$1,800.00.

4. For the purpose of resolving all issues in this docket, Staff and Respondent now desire to compromise and settle the charges contained in the CPAN. STAFF AND RESPONDENT HEREBY STIPULATE AND AGREE AS FOLLOWS:

a. Respondent admits to all violations as contained in Civil Penalty Assessment No. 28260-CPAN.

b. Respondent agrees to take, and indeed has already taken, measures to ensure that the company and its drivers are maintaining the required records reflecting their activities.

Further, Respondent understands that it will be subject to future safety audits to ensure compliance, and the results of that audit may result in monetary assessments for continued non-compliance.

c. In consideration of Respondent's admissions in subparagraph (4)(a), above, and Respondent's cooperation detailed in paragraph (4)(b) above, Staff agrees to reduce the amount of the penalty from \$1,800.00 to \$900.00.

d. **Payment.** Respondent agrees to pay to the Public Utilities Commission the amount of \$900.00 as payment in full of 28260-CPAN. Payment is to be made in two (2) monthly installments of \$450.00 per month with the first payment due **within ten days** after the issuance of a final decision of the Commission approving this Stipulation, and every month thereafter until paid in full. PROVIDED, HOWEVER, that if the Respondent does not make the payment as agreed to herein, then (1) the Respondent's admissions in subparagraph (4)(a), above, shall constitute conclusive evidence that the violations occurred and that the fines therefor are justified, and (2) the Respondent shall be immediately liable for the full amount of the penalty, \$1,800.00, less any payments made to that point.

5. In the event that this Stipulation is modified or not approved in its entirety, either Staff or Respondent, at that party's option, may withdraw from this Stipulation. In that event, Docket No. 03G-341EC shall be set for hearing.

6. The Staff of the Colorado Public Utilities Commission and Respondent request that the presiding Administrative Law Judge accept this Stipulation in settlement of 28260-CPAN, issue an Order consistent with this Stipulation and its provisions, and close Docket No. 03G-341EC.

Dated this 11TH day of September, 2003.

CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR

NO. 28260-CPAN

Public Utilities Commission of the State of Colorado

v.

Monument Limousine Service, LLC (Respondent)

PUC Authority #: LL-582

Mailing Address: P. O. Box 1918

Monument, Colorado 80132

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
1	June 20, 2003	4CCR723-15-2; Part 391.25(b)	Failed to annually review driving record: Alex Malone.	Colorado Springs, Colorado	\$200.00
2	June 29, 2003	4CCR723-15-2; Part 391.25(b)	Failed to annually review driving record: Alvesta Malone II.	Colorado Springs, Colorado	\$200.00
3	June 20, 2003	4CCR723-15-2; Part 391.27(a)	Failed to have driver provide annual list of violations: Alex Malone.	Colorado Springs, Colorado	\$200.00
4	June 29, 2003	4CCR723-15-2; Part 391.27(a)	Failed to have driver provide annual list of violations: Alvesta Malone II.	Colorado Springs, Colorado	\$200.00
5	June 21, 2003	4CCR723-15-2; Part 391.45(b)(1)	Failed to have driver medically certified & qualified each 24 mos: Alvesta Malone II.	Colorado Springs, Colorado	\$200.00
6	June 29, 2003	4CCR723-15-2; Part 391.45(b)(1)	Failed to have driver medically certified & qualified each 24 mos: Alvesta Malone II.	Colorado Springs, Colorado	\$200.00
7	June 14, 2003	4CCR723-15-2; Part 395.3(a)(2)	Driver drove after have been on duty for 15 consecutive hours: Val McDaniel.	Colorado Springs, Colorado	\$200.00
8	June 28, 2003	4CCR723-15-2; Part 395.8(a)	Failed to have driver prepare a record of duty status: Alvesta Malone II.	Colorado Springs, Colorado	\$200.00
9	June 29, 2003	4CCR723-15-2; Part 396.11(b)	The D.V.I.R does not contain the required information.	Colorado Springs, Colorado	\$200.00

Total Penalty: \$1,800.00

I HEREBY ACKNOWLEDGE RECEIPT OF THIS NOTICE.

Respondent's Signature

UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE
LIABILITY OF ALL VIOLATIONS HEREIN.

(See Instructions on Last Page)

Respondent's Signature

**CIVIL PENALTY ASSESSMENT NOTICE
OR NOTICE OF COMPLAINT TO APPEAR**

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Monument, Colorado 80132

If the penalty assessment is not paid within ten days of the issuance of this notice, then you must contact the Public Utilities Commission by 4:00 p.m. on August 25, 2003 to set the alleged violation(s) for hearing. Call the P.U.C. at 800/888-0170, ext. 2824, or 303/894-2824.

THE UNDERSIGNED HAS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT COMMITTED THE VIOLATION(S) CITED AND AFFIRMS THAT A COPY OF THIS CIVIL PENALTY ASSESSMENT NOTICE OR NOTICE OF COMPLAINT TO APPEAR WAS DULY SERVED UPON THE RESPONDENT.

COMPLAINANT HOFFMAN
print last name

COMPLAINANT


signature

INVESTIGATIVE PERSONNEL OF THE COLORADO PUBLIC UTILITIES COMMISSION

DATED THIS 24th DAY OF July, 2003

Copy Distribution: #1: Commission Records #3: Enforcement
#2: Respondent #4: Colorado Attorney General

Copy # 1

THIS IS A LEGAL DOCUMENT -- PLEASE READ ALL ENCLOSED INFORMATION

THIS IS A LEGAL DOCUMENT -- PLEASE READ ALL ENCLOSED INFORMATION

This document provides you information about your options upon receipt of this notice. You may pay this civil penalty by mail or in person. Or, you may contest the penalty at a hearing. Please read carefully the following instructions.

CIVIL PENALTY ASSESSMENT NOTICE INSTRUCTIONS

The notice you have received is called a Civil Penalty Assessment Notice. The penalty for the alleged violation(s) is described on the preceding pages. It is the prescribed penalty for the stated violation(s) as required by law and specified in the Public Utilities Commission's Rules and Regulations Concerning Civil Penalties for Carriers. You may pay this penalty by mail or in person.

By paying the Civil Penalty Assessment, you acknowledge your liability.

Your payment may be made by money order or check. Do not mail cash. If the payment is mailed, it must be postmarked no later than 10 days from the date of issuance of this notice. This date appears on the fourth line from the bottom of the previous page.


To receive credit for payment, please sign on the previous page of this notice on the signature line adjacent to the statement "UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE LIABILITY OF ALL VIOLATION(S) HEREIN" and enclose this signed notice with the payment. The address to mail or pay in person is:

Public Utilities Commission
1580 Logan Street, Office Level Two
Denver, CO 80203

COMPLAINT TO APPEAR NOTICE INSTRUCTIONS

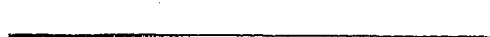
If you decide to not pay the penalty and want to contest it, you are required to contact the Public Utilities Commission by 4 p.m. on or before the date and at the telephone number shown on the previous page. When you call the Commission, be prepared to provide dates when you will be available to attend a hearing on this issue. If you fail to contact the Commission before 4 p.m. on the date shown, the Commission shall set the hearing date without any preference to your wishes. You will be notified about the hearing date. If you are under 18 years of age, you must be accompanied by a parent or a guardian at the hearing.

For Monument Limousine Service LLC


Alex Malone, President
Monument Limousine Service LLC
P.O. Box 1918
Monument, Colorado 80132

Date: 9/5/03

For Staff of the Colorado Public Utilities Commission


Robert Laws, Senior Compliance Investigator
Colorado Public Utilities Commission
1580 Logan Street, OL2
Denver, CO 80203

Date: _____

For Monument Limousine Service LLC

Date: _____

Alex Malone, President
Monument Limousine Service LLC
P.O. Box 1918
Monument, Colorado 80132

For Staff of the Colorado Public Utilities Commission

Date: 9/11/03

Robert Laws
Robert Laws, Senior Compliance Investigator
Colorado Public Utilities Commission
1580 Logan Street, OL2
Denver, CO 80203

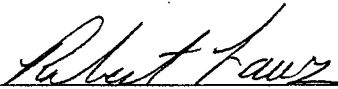
CERTIFICATE OF SERVICE

This is to certify that I have duly served the within
STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28260-
CPAN AND MOTION TO CLOSE DOCKET NO. 03G-341EC upon all parties
herein, by U.S. mail or in person, on this 11TH day of
September, 2003.

Alex Malone, President
Monument Limousine Service, LLC
P.O. Box 1918
Monument, Colorado 80132

Bruce N. Smith, Director
Public Utilities Commission
1580 Logan Street, OL-2
Denver, CO 80203

Robert C. Laws
Staff of the Commission
1580 Logan Street, OL2
Denver, CO 80203


COMPLIANCE INVESTIGATOR