

RECEIVED
STATE OF COLORADO
PUBLIC UTILITIES COM

2003 SEP 22 AM 9: 11

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 03G-363CP & 03G-376CP

STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NOS.
28249-CPAN AND 28302-CPAN AND MOTION TO CLOSE DOCKET NOS. 03G-
363CP & 03G-376CP.

PUBLIC UTILITIES COMMISSION,

Complainant,

v.

Hotels of Denver Mountain Carrier, Inc. DBA Denver Mountain
Express

Respondent.

Trial Staff of the Commission ("Staff") and Denver Mountain
Express ("Respondent") enter into this Stipulation and request
that the Commission issue an order approving its terms as a
complete resolution of all issues in these dockets No. 03G-363CP &
03G-376CP. In support of the within Stipulation, Staff and
Respondent state:

1. On August 19, 2003, Civil Penalty Assessment Notice
No. 28249-CPAN and on August 29, 2003, Civil Penalty Assessment
Notice 28302-CPAN ("CPAN") were issued to Respondent by Commission
Investigator, Reinhard A. Wolf.

THE PUBLIC UTILITIES COMMISSION
ENTERED
SEP 23 2003
STATE OF COLORADO

In 28249-CPAN, Respondent was charged with violating the following commission safety rules presented in Table format:

No.	Violation Cite	Nature of Violation	Penalty
1	Rule 2.1 of 4CCR 723-15; Part 390.15(b)	Motor Carrier shall maintain for a period of one year after an accident occurs, an accident register	\$200.00
2	Rule 2.1 of 4CCR 723-15; Part 391.23(a)(1)	MVR - Carrier has failed to inquire into the driver's driving record during the preceding 3 years J Hall	\$200.00
3	Rule 2.1 of 4CCR 723-15; Part 391.23(b)	MVR - Carrier has failed to inquire into the driver's driving record during the preceding 3 years B Gomez	\$200.00
4	Rule 2.1 of 4CCR 723-15; Part 91.23(c)(1)	Carrier has failed to do an employment history check on P Butterweich	\$200.00
5	Rule 2.1 of 4CCR 723-15; Part 91.23(c)(1)	Carrier has failed to do an employment history check on B Gomes	\$200.00
6	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: K Neal	\$200.00
7	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: T Vaidotas	\$200.00
8	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: J Hall	\$200.00
9	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: P Butterweich	\$200.00
10	Rule 2.1 of 4CCR 723-15; Part 395.8(a)	No record of duty status B Gomes	\$200.00
11	Rule 2.1 of 4CCR 723-15; Part 395.8(a)	No record of duty status B Gomes	\$200.00
12	Rule 2.1 of 4CCR 723-15; Part 395.8(a)	No record of duty status B Gomes	\$200.00

No.	Violation Cite	Nature of Violation	Penalty
13	Rule 2.1 of 4CCR 723-15; Part 396.3(b) (1)	Carrier has failed to keep a vehicle file containing company vehicle number if so marked, make, serial number, year, and tire size. Unit #13	\$200.00
14	Rule 2.1 of 4CCR 723-15; Part 396.3(b) (1)	Carrier has failed to keep a vehicle file containing company vehicle number if so marked, make, serial number, year, and tire size. Unit #72	\$200.00
15	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #72 Headlamp	\$200.00
16	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #13 Tires	\$200.00
17	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #57 Speedometer	\$200.00
18	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #57 Speedometer	\$200.00
19	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #52 Tires	\$200.00
20	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #57 Speedometer	\$200.00
21	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #72 Fuel tank	\$200.00

No.	Violation Cite	Nature of Violation	Penalty
22	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #19 Rear Tire	\$200.00
23	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #36 Horn;	\$200.00
24	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #36 Tires	\$200.00
25	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #72 Battery; Generator light; overheat	\$200.00
26	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #36 Tire	\$200.00
27	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #13 Lug nut missing	\$200.00
28	Rule 2.1 of 4CCR 723-15; Part 396.13	Failure to require driver to perform a pre-trip and certify prior to operations of #57 speedometer	\$200.00

The total amount of the CPAN is \$5,600.00.

In addition, in 28302-CPAN, Respondent was charged with violating the following commission safety rules presented in Table format:

No.	Violation Cite	Nature of Violation	Penalty
1	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #23 Tire tread 1/32	\$400.00
2	Rule 2.1 of 4CCR 723-15; Part 396.11(a)	Every motor carrier shall Require its drivers, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated. #72	\$200.00
3	Rule 2.1 of 4CCR 723-15; Part 392.2	Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. #72 No Registration Also noted on S&C on 08-12-03	\$200.00
4	Rule 2.1 of 4CCR 723-15; Part 392.2	Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. #72 No Proof of Insurance Also noted on S&C on 08-12-03	\$200.00
5	Rule 2.1 of 4CCR 723-15; Part 390.35 (b)	No motor carrier, its agents, officers, representatives, or employees shall make or cause to make a fraudulent or intentionally false entry on any application, certificate, report, or record required. Renee English - DOT Cert was altered to read 10-01-03. File copy from Colo Springs Yellow Cab showed 06-01-03	\$200.00

The total amount of the CPAN is \$1,200.00.

Copies of both CPANs are attached as Appendix A and Appendix B, and by reference incorporated herein.

2. **Background.**

a. 28249-CPAN - From August 12th through August 13th, Staff Investigator Reinhard Wolf conducted a Safety and Compliance audit at the respondent's facility.

On August 19, 2003, a complaint was filed with the Commission alleging that Respondent had violated the above-mentioned citations, and Respondent was served with 28249-CPAN.

b. 28302-CPAN - On August 27th, Staff Investigator Reinhard Wolf conducted random vehicle inspections of Respondent's vehicles at Denver International Airport. At that time, Staff Investigator Wolf discovered more violations of the safety rules. One of the violations discovered during these inspections was similar in nature to violations as had been cited in 28249-CPAN, and therefore was compelled to seek enhanced penalties for that one violation (See Citation No. 1 in 28302-CPAN).

On August 29, 2003, a complaint was filed with the Commission alleging that Respondent had violated the above-mentioned citations and Respondent was served with 28302-CPAN.

Investigator Reinhard Wolf was directed by Safety and Compliance Supervisor Robert Laws in both instances to issue the CPANs to the Respondent for the violations covered in 28249-CPAN and 28302-CPAN.

On September 2, 2003, Investigator's Wolf and Laws met with management of Respondent, Mr. Jason Greenstein and Mr. Noel

Culberson, to discuss what remedies and measures the Respondent has taken and made with respect to its operations. Several proactive steps were discussed at that time, including future monitoring by Staff.

3. Staff and Respondent, now desiring to compromise and settle the charges contained in this CPAN, HEREBY STIPULATE AND AGREES AS FOLLOWS:

a. Respondent admits to all violations as contained in Civil Penalty Assessment No. 28249-CPAN & 28302-CPAN, totaling \$6,800.00.

b. Respondent agrees to take measures - and indeed already has - to assure stricter compliance with the motor carrier safety regulations referenced in the above-mentioned citations. Compliance Investigator Wolf has been working with Respondent to assure that a workable system is being implemented to correct the citations and will continue to do so.

c. In consideration of Respondent's admissions in subparagraph (3)(a), above, and Respondent's substantial compliance efforts detailed in subparagraph (3)(b) above, Staff agrees to reduce the amount of the penalty from \$6,800.00 to \$4,700.00.

d. **Payment Plan.** Respondent agrees to pay to the Public Utilities Commission the amount of \$4,700.00 in full payment of 28249-CPAN & 28302-CPAN. The payment is to be made

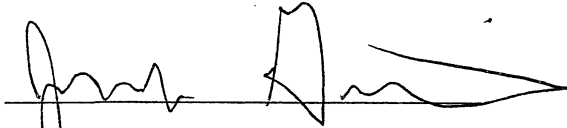
within 10 days after the issuance of a final decision of the Commission approving this Stipulation. PROVIDED, HOWEVER, that if the Respondent does not make the payment as agreed to herein, then (1) Respondent's admissions in subparagraph (3) (a), above, shall be conclusive evidence that the violations occurred and that the fines are therefore justified, and (2) Respondent must pay the full amount of the penalty, \$6,800.00.

4. 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 Nos. 03G-363CP and 03G-376CP. shall be set for hearing.

5. The Staff of the Colorado Public Utilities Commission and Respondent request that the presiding Administrative Law Judge accept this Stipulation in settlement of 28249-CPAN and 28302-CPAN, issue an Order consistent with this Stipulation and its provisions, close Docket Nos. 03G-363CP and 03G-376CP.

Dated this 19TH day of SEPTEMBER, 2003.

For Denver Mountain Express:



DATE: 9/18/03

Jason Greenstein, President
Denver Mountain Express
1550 Larimer Street #280
Denver, Co 80202

For Staff of the Colorado Public Utilities Commission:



DATE: 9/18/03

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

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

Appendix A
Docket Nos. 03G-363CP
Decision No. R03-1278
03G-376CP
November 12, 2003
Page 10 of 19

NO. 28249-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
1	08-13-03	Rule 2.1 of 4CCR 723-15; Part 390.15(b)	Motor Carrier shall maintain for a period of one year after an accident occurs, an accident register	Denver, Co 80220	\$200.00
2	07-23-03	Rule 2.1 of 4CCR 723-15; Part 391.23(a) (1)	MVR - Carrier has failed to inquire into the driver's driving record during the preceding 3 years J Hall	Denver, Co 80220	\$200.00
3	07-23-03	Rule 2.1 of 4CCR 723-15; Part 391.23(b)	MVR - Carrier has failed to inquire into the driver's driving record during the preceding 3 years B Gomez	Denver, Co 80220	\$200.00
4	07-23-03	Rule 2.1 of 4CCR 723-15; Part 391.23(c) (1)	Carrier has failed to do an employment history check on P Butterweich	Denver, Co 80220	\$200.00
5	07-23-03	Rule 2.1 of 4CCR 723-15; Part 391.23(c) (1)	Carrier has failed to do an employment history check on B Gomes	Denver, Co 80220	\$200.00
6	07-19-03	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: K Neal	Denver, Co 80220	\$200.00
7	07-19-03	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: T Vaidotas	Denver, Co 80220	\$200.00
8	07-23-03	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: J Hall	Denver, Co 80220	\$200.00
9	07-24-03	Rule 2.1 of 4CCR 723-15; Part 391.45	Carrier has allowed a driver to drive, which person has not been medically examined and certified: P Butterweich	Denver, Co 80220	\$200.00

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

Appendix A
Docket Nos. 03G-363CP
03G-376CP
Decision No. R03-1278
November 12, 2003
Page 11 of 19

NO. 28249-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
10	07-09-03	Rule 2.1 of 4CCR 723-15; Part 395.8(a)	No record of duty status B Gomes	Denver, Co 80220	\$200.00
11	07-16-03	Rule 2.1 of 4CCR 723-15; Part 395.8(a)	No record of duty status B Gomes	Denver, Co 80220	\$200.00
12	07-23-03	Rule 2.1 of 4CCR 723-15; Part 395.8(a)	No record of duty status B Gomes	Denver, Co 80220	\$200.00
13	08-13-03	Rule 2.1 of 4CCR 723-15; Part 396.3(b)(1)	Carrier has failed to keep a vehicle file containing company vehicle number if so marked, make, serial number, year, and tire size. Unit #13	Denver, Co 80220	\$200.00
14	08-13-03	Rule 2.1 of 4CCR 723-15; Part 396.3(b)(1)	Carrier has failed to keep a vehicle file containing company vehicle number if so marked, make, serial number, year, and tire size. Unit #72	Denver, Co 80220	\$200.00
15	05-14-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c)(1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #72 Headlamp	Denver, Co 80220	\$200.00
16	06-25-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c)(1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #13 Tires	Denver, Co 80220	\$200.00
17	07-02-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c)(1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #57 Speedometer	Denver, Co 80220	\$200.00
18	07-08-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c)(1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #57 Speedometer	Denver, Co 80220	\$200.00

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

Appendix A
Docket Nos. 03G-363CP
03G-376CP
Decision No. R03-1278
November 12, 2003
Page 12 of 19

NO. 28249-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
19	07-08-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #52 Tires	Denver, Co 80220	\$200.00
20	07-09-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #57 Speedometer	Denver, Co 80220	\$200.00
21	07-13-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #72 Fuel tank	Denver, Co 80220	\$200.00
22	07-15-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #19 Rear Tire	Denver, Co 80220	\$200.00
23	07-16-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #36 Horn;	Denver, Co 80220	\$200.00
24	07-25-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #36 Tires	Denver, Co 80220	\$200.00

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

Appendix A
Docket Nos. 03G-363CP
03G-376CP
Decision No. R03-1278
November 12, 2003
Page 13 of 19

NO. 28249-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
25	07-30-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #72 Battery; Generator light; overheat	Denver, Co 80220	\$200.00
26	07-30-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #36 Tire	Denver, Co 80220	\$200.00
27	08-05-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #13 Lug nut missing	Denver, Co 80220	\$200.00
28	07-03-03	Rule 2.1 of 4CCR 723-15; Part 396.13	Failure to require driver to perform a pre-trip and certify prior to operations of #57 speedometer	Denver, Co 80220	\$200.00

Total Penalty: \$5,600.00

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

Appendix A
Docket Nos. 03G-363CP
03G-376CP
Decision No. R03-1278
November 12, 2003
Page 14 of 19

NO. 28249-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

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 September 30, 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 Wolf
print last name

COMPLAINANT _____
signature

INVESTIGATIVE PERSONNEL OF THE COLORADO PUBLIC UTILITIES COMMISSION

DATED THIS _____ DAY OF _____, _____

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.

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

Appendix A
Docket Nos. 03G-363CP
03G-376CP
Decision No. R03-1278
November 12, 2003
Page 16 of 19

NO. 28302-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
1	08-27-03	Rule 2.1 of 4CCR 723-15; Part 396.11(c) (1)	Every motor carrier shall certify on the original DVIR, which lists the defect that the defect has been repaired or that the repair is not necessary. #23 Tire tread 1/32	Denver, Co 80220	\$400.00
2	08-26-03	Rule 2.1 of 4CCR 723-15; Part 396.11(a)	Every motor carrier shall Require its drivers, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated. #72	Denver, Co 80220	\$200.00
3	08-27-03	Rule 2.1 of 4CCR 723-15; Part 392.2	Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. #72 No Registration Also noted on S&C on 08-12-03	Denver, Co 80220	\$200.00
4	08-27-03	Rule 2.1 of 4CCR 723-15; Part 392.2	Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. #72 No Proof of Insurance Also noted on S&C on 08-12-03	Denver, Co 80220	\$200.00
5	08-27-03	Rule 2.1 of 4CCR 723-15; Part 390.35 (b)	No motor carrier, its agents, officers, representatives, or employees shall make or cause to make a fraudulent or intentionally false entry on any application, certificate, report, or record required. Renee English - DOT Cert was altered to read 10-01-03. File copy from Colo Springs Yellow Cab showed 06-01-03	Denver, Co 80220	\$200.00

Penalty #1 is enhanced based on 28249-CPAN

Total Penalty: \$1,200.00

CIVIL PENALTY ASSESSMENT NOTICE
OR NOTICE OF COMPLAINT TO APPEAR

Appendix A
Docket Nos. 03G-363CP
03G-376CP
Decision No. R03-1278
November 12, 2003
Page 17 of 19

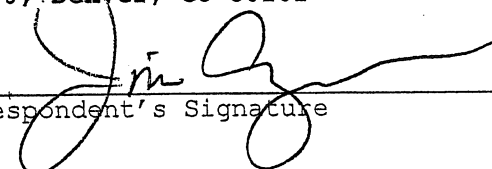
NO. 28302-CPAN

Public Utilities Commission of the State of Colorado
v.

Hotel of Denver Mountain Carrier, Inc. (Respondent)
dba Denver Mountain Express
PUC Authority #: 55519

Physical Address: 170 Denargo Street, Denver, CO 80220
Mailing Address: 1550 Larimer Street #280, Denver, CO 80202

I HEREBY ACKNOWLEDGE RECEIPT OF THIS NOTICE.


Respondent's Signature

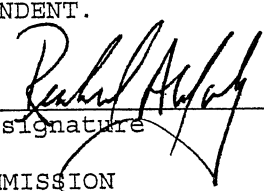
UPON PAYMENT OF THIS ASSESSMENT, I ACKNOWLEDGE
LIABILITY OF ALL VIOLATIONS HEREIN.
(See Instructions on Last Page)

Respondent's Signature

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 September 30, 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 Wolf
print last name

COMPLAINANT 
signature

INVESTIGATIVE PERSONNEL OF THE COLORADO PUBLIC UTILITIES COMMISSION

DATED THIS 29th DAY OF August, 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.

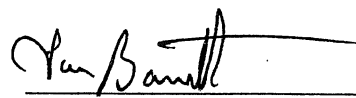
CERTIFICATE OF SERVICE

This is to certify that I have duly served the within
STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28249-
CPAN & 28302-CPAN AND MOTION TO CLOSE DOCKET NO. 03G-363CP &
03G-376CP upon all parties herein, by U.S. mail or in person, on
this 22ND day of September, 2003.

Jason Greenstein, President
Denver Mountain Express
1550 Larimer Street #280
Denver, CO 80202

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