

BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF COLORADO

Docket No. 03G-486EC

STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28377-
CPAN AND MOTION TO CLOSE DOCKET NO. 03G-486EC.

PUBLIC UTILITIES COMMISSION,

Complainant,

v.

Jonathan Levine dba Vail Luxury Limo

Respondent.

REC
DEC 30 2003
PUBLIC UTIL.
STATE OF COLORADO

Trial Staff of the Commission ("Staff") and Jonathan Levine dba Vail Luxury Limo ("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 within Stipulation, Staff and Respondent state:

1. On November 5, 2003, Civil Penalty Assessment Notice No. 28377-CPAN ("CPAN") was issued to Respondent by Commission Investigator, Reinhard A. Wolf.

In the CPAN, Respondent was charged with one violation of 40-16-103 CRS for offering services pursuant to this Article without being registered with the public utilities commission.

The total amount of the CPAN is \$1,100.00. A copy of the CPAN is attached as Appendix A, and by reference incorporated herein.

2. **Background.** Respondent previously held a registration with the commission under permit number LL-01228. This permit, or registration, was subsequently revoked due lack of proper insurance on file with the commission. This occurred on May 1, 2003.

On November 1, 2003, Investigator Wolf proceeded to the Vail, Colorado area in response to an informal complaint filed by another carrier. While in Vail, Wolf was able to have Respondent contacted by phone, obtain a commitment on price to be charged, and witness Respondent appear and offer services to Wolf.

The vehicle in question had qualified as a luxury limousine under Respondent's previous registration.

Investigator Wolf was directed by Safety and Compliance Supervisor Robert Laws to issue the CPAN to the Respondent for the violation covered in this CPAN. The CPAN was issued in person to the Respondent upon Respondent's appearance at the commission on November 5, 2003. Respondent then proceeded to obtain the proper registration on the same day.

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

a. Respondent admits to the violation as contained in Civil Penalty Assessment No. 28377-CPAN, totaling \$1,100.00.

b. Respondent agrees to cooperate, and has indeed already has cooperated, with Staff by promptly registering his luxury limousine operation.

c. In consideration of Respondent's admissions in subparagraph (3) (a), above, and Respondent's cooperation detailed in subparagraph (3) (b) above, Staff agrees to reduce the amount of the penalty from \$1,100.00 to \$550.00.

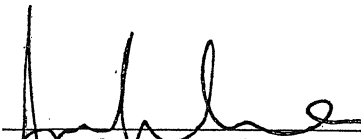
d. **Payment Plan.** Respondent agrees to pay to the Public Utilities Commission the amount of \$550.00 **within 10 days** after the issuance of a final decision of the Commission approving this Stipulation. PROVIDED, HOWEVER, that if the Respondent does not make the payment as agreed to herein within 30 days of the due date, then (1) Respondent's admissions in subparagraph (3) (a), above, shall be conclusive evidence that the violations occurred and that the fines are therefor justified, and (2) Respondent must pay the full amount of the penalty, \$1,100.00.

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 No. 03G-486EC shall be set for hearing.

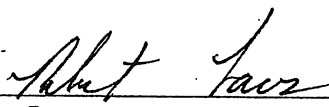
5. The Staff of the Colorado Public Utilities Commission and Respondent request that the presiding Administrative Law Judge accept this Stipulation in settlement of 28377-CPAN, issue an Order consistent with this Stipulation and its provisions, and close Docket No. 03G-486EC.

Dated this 23 day of Dec, 2003. For Vail Luxury Limo:


Jonathan Levine, Owner
Vail Luxury Limo
2121 N. Frontage Road Suite 212
Vail, CO 81657

DATE: 12/23/2003

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: 12/30/03

Appendix A

CIVIL PENALTY ASSESSMENT NOTICE
OR NOTICE OF COMPLAINT TO APPEAR

NO. 28377-CPAN

Public Utilities Commission of the State of Colorado

v.

Jonathan Levine dba Vail Luxury Limo

PUC Authority #: LL-01228 (Revoked)

Physical Address: 2121 N. Frontage Road Suite 212, Vail, CO 81657

Mailing Address: 2121 N. Frontage Road Suite 212, Vail, CO 81657

No.	Date of Violation	Violation Cite	Nature of Violation	Place of Violation	Penalty
1	November 1, 2003	40-16-103 CRS	No person may offer services pursuant to this article unless he is registered with the public utilities commission.	Vail, CO	\$1,100.00

Remarks: AKA Hummers of Vail & DUIBusters of Vail

Total Penalty: \$1,100.00

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

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 December 5, 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 VIOLATIONS 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 For Reinhard Wolf
signature

INVESTIGATIVE PERSONNEL OF THE COLORADO PUBLIC UTILITIES COMMISSION

DATED THIS 5th DAY OF November, 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.

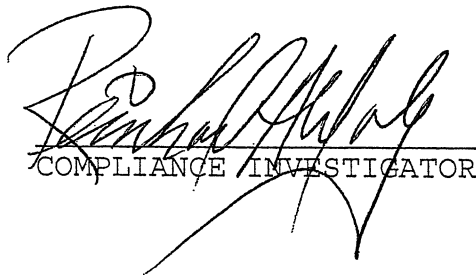
CERTIFICATE OF SERVICE

This is to certify that I have duly served the within
STIPULATION OF SETTLEMENT OF CIVIL PENALTY ASSESSMENT NO. 28377-
CPAN AND MOTION TO VACATE HEARING AND CLOSE DOCKET NO. 03G-486EC
upon all parties herein, by U.S. mail or in person, on this
__30th__ day of __December__, 2003.

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

Jonathan Levine
Dba Vail Luxury Limo 2121 N. Frontage Road Suite 212
Vail, CO 81657

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


COMPLIANCE INVESTIGATOR