

Decision No. R04-0853

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-333CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

HAROLD JOHNSON,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
ACCEPTING PAYMENT AND CLOSING DOCKET**

Mailed Date: July 26, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On June 23, 2004, Staff of the Colorado Public Utilities Commission issued Civil Penalty Assessment Notice (CPAN) No. 28589 to Harold Johnson, Respondent.

2. Respondent was charged with two violations of § 40-10-104(1), C.R.S., and two violations of 4 *Code of Colorado Regulations* 723-15-2.1, § 396.17(c). The total penalty assessed is \$1,200, with the provision that if Respondent elected to acknowledge liability of the violations within ten days of service of the CPAN, the total amount of the penalty would be reduced to \$600.

3. On July 7, 2004, Respondent elected to acknowledge liability on all of the charged violations and paid the reduced penalty of \$600 to the Commission. Respondent's

payment of \$600 within ten days of the issuance of the CPAN is in full satisfaction of the complaint and civil penalty assessment notice. The docket will be closed.

4. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. Docket No. 04G-333CP is closed.

2. 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.

3. 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.

4. 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge