

Decision No. R04-0927

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-385CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

DENVER TAXI, LLC, DBA YELLOW CAB AND/OR SUPERSHUTTLE,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
ACCEPTING PAYMENT OF CIVIL
PENALTY AND CLOSING DOCKET**

Mailed Date: August 9, 2004

I. STATEMENT

1. This proceeding was instituted by the issuance of Civil Penalty Assessment Notice (CPAN) No. 70522 on July 23, 2004. The CPAN alleged 48 violations of 4 *Code of Colorado Regulations* (CCR) 723-15-2 and 49 Code of Federal Regulations (CFR) 390.35, allowing a driver to prepare a false time record; and 11 violations of 4 CCR 723-15-2, 49 CFR 396.3(b)(3) Failure to Maintain Records to Indicate Vehicle Repair and Maintenance. Staff of the Commission sought a penalty of \$200 for each violation, for a total of \$11,800, or if paid within ten days, \$5,900.

2. On August 2, 2004, Yellow Cab tendered a check for the \$5,900. Since the payment was received within ten days, the payment is payment in full and the docket should be closed.

3. 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 in full of Civil Penalty Assessment Notice No. 70522 in the amount of \$5,900 is acknowledged. Docket No. 04G-385CP 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