

Decision No. R04-1118

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-466EC

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

CONSIDER IT DONE, LLC,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
CLOSING DOCKET**

Mailed Date: September 27, 2004

I. STATEMENT

1. This proceeding was instituted by the issuance of Civil Penalty Assessment Notice (CPAN) No. 71186 on September 2, 2004. The CPAN assessed Respondent, Consider it Done, LLC (Respondent), a total penalty of \$3,600.00 for various alleged violations of the Colorado Public Utilities Commission's (Commission) Rules Regulating Safety for Motor Vehicle Carriers and Establishing Civil Penalties, 4 *Code of Colorado Regulations* 723-15.

2. CPAN No. 71186 was served on the Respondent via certified mail on September 8, 2004. The subject CPAN provides that payment of the reduced penalty amount shown in the "Total Penalty If Paid Within 10 Days" section of the subject CPAN will be accepted by the Commission as full payment of the same. In this case, the total reduced penalty amount is \$1,800.00.

3. The Respondent mailed the reduced penalty amount to the Commission on September 16, 2004. It will be accepted by the Commission as full payment of CPAN No. 71186 since it was tendered within the ten-day payment period provided therein. That resolves this matter and, as a result, Docket No. 04G-466EC may now be closed.

4. 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 of the total reduced penalty amount of \$1,800.00 set forth in Civil Penalty Assessment Notice No. 71186 has been accepted by the Colorado Public Utilities Commission as full payment of the same.

2. Docket No. 04G-466EC is closed.

3. 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.

4. 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.

5. 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