

Decision No. R04-1293

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-541CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

BOULDER TAXI, LLC,

RESPONDENT.

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

Mailed Date: November 1, 2004

I. STATEMENT

1. This proceeding was instituted by the issuance of Civil Penalty Assessment Notice (CPAN) No. 72161 on October 21, 2004. The CPAN alleged 15 violations of 4 *Code of Colorado Regulations* 723-15-2.1, 49 *Code of Federal Regulations* 395.8(a) No Record of Duty Status. Staff of the Commission sought a penalty of \$200 for each violation for a total of \$3,000, or, if paid within ten days, \$1,500. On October 26, 2004, Boulder Taxi, LLC tendered a check for \$1,500. Since the payment was received within ten days, the payment is paid in full and the docket shall be closed.

2. In accordance with § 40-6-109, C.R.S., it is recommended the Commission enter the following order.

II. ORDER**A. The Commission Orders That:**

1. Payment in full of Civil Penalty Assessment Notice No. 72161 in the amount of \$1,500 is acknowledged. Docket No. 04G-541CP 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

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