

Decision No. R04-1572

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-572CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NEMARDA CORPORATION,

RESPONDENT.

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

Mailed Date: December 29, 2004

I. STATEMENT

1. This proceeding was instituted by the issuance of Civil Penalty Assessment Notice (CPAN) No. 72170 on October 20, 2004. The CPAN assessed Nemarda Corporation (Respondent), a total penalty of \$2,200.00 for four violations of the Commission's Rules Regulating Safety for Motor Vehicle Carriers and Establishing Civil Penalties, 4 *Code of Colorado Regulations* 723-15.

2. CPAN No. 72170 was personally served on the Respondent on November 2, 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 CPAN will be accepted by the Commission as full payment of the same. In this case, the total reduced penalty amount is \$1,100.00.

3. On November 12, 2004, the Respondent paid the reduced penalty amount to the Commission. That resolves this matter and, as a result, Docket No. 04G-572CP 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 \$1,100.00 set forth in Civil Penalty Assessment Notice No. 72170 is accepted by the Colorado Public Utilities Commission as full payment of the same.

2. Docket No. 04G-572CP 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