

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING No. CPAN 120616

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

LYFT, INC.,

RESPONDENT.

STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission (Staff) and Respondent Lyft (Respondent) (collectively, the Parties) enter into this Stipulation and Settlement Agreement (Agreement) in the above-referenced proceeding as a complete and final resolution of all issues that were or could have been raised in this proceeding. Matthew Reagan has authority to enter this Agreement on behalf of Respondent.

Background

1. On March 7, 2018, Staff issued Respondent Civil Penalty Assessment Notice No. 120616 (the CPAN) seeking civil penalties of \$48,875.00 (or \$24,437.50 if paid within 10 days). The CPAN alleged 16 violations of 4 CCR 723-6-6708(a), permitting a person to act as a driver that is not qualified to drive based on rule 6713 (medical fitness); and one violation of 4 CCR 723-6-6723(j), no person shall cause mutilation or change to any record, subject to inspection by the Commission. The CPAN was served via certified mail on March 10, 2018.

Settlement Agreement

2. Staff and Respondent hereby stipulate and agree as follows:
3. Staff agrees to dismiss count 17, making the new amount of the CPAN \$46,000 (\$23,000 if paid within 10 days).
4. Respondent admits liability to all the remaining violations contained in the CPAN.
5. The Agreement herein has been reached in the spirit of compromise and in light of the uncertainties of trial. The Agreement has also been reached to avoid the costly expense of litigation. The Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to hearing this matter. The public interest is served by requiring the payment by Respondent of a civil penalty in the amount of \$23,000.00 under the terms in this Agreement. In reducing the penalty, Staff considered the following mitigating factors pursuant to Commission Rule 1302(b):
 - a. Respondent contacted Staff within 10 days of receipt of the CPAN and actively engaged in efforts to resolve this matter.
 - b. Respondent understands the necessity of compliance with the applicable rules and regulations.
 - c. Assessing Respondent a civil penalty under the terms herein is sufficient motivation for Respondent to remain in compliance with the Public Utilities laws and commission rules on a going-forward basis.
6. In consideration of Respondent's admission of liability, and for the reasons expressed above, Staff agrees reducing the amount of the civil penalty from \$48,875.00 to \$23,000.00 is appropriate and in the public interest. This \$23,000.00 settlement amount consists of a \$20,000.00 penalty, plus a fifteen-percent surcharge of \$3,000.00 pursuant to § 24-34-108(2), C.R.S.
7. Respondent shall pay the total amount of \$23,000.00 in one payment due within ten (10) days of the date of a Commission order in this proceeding.

8. If Respondent fails to make the payment when due, Respondent shall be liable for the full civil penalty amount of \$48,875.00 less any payments made, which amount will be due immediately.

9. All matters that were raised or could have been raised in this proceeding relating to the issues specifically identified and addressed herein have been resolved by this Agreement. This Agreement may be executed in counterparts, each of which when taken together shall constitute the entire Agreement of the Parties, and no further modification of this Agreement is allowed, except in writing by the parties, and further agreed to in an order issued by the Commission.

10. In the event that this Agreement is modified or not approved in its entirety, either Party, at that Party's option, may withdraw from this Agreement by filing a notice with the Commission in this proceeding within seven days of entry of such Order. In that event, this Agreement shall be void and this matter shall be set for hearing.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Executed this ____ day of March, 2018.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

By: _____
Anthony Cummings
Lead Criminal Investigator, Investigations and Compliance
Colorado Public Utilities Commission
1560 Broadway Suite 250
Denver, Colorado 80202

LYFT, INC.

By: _____
Matthew Reagan, Assistant Secretary
=

Approved as to form:

CYNTHIA H. COFFMAN
Attorney General

By: _____
Jennifer Gilbert, 46428
Assistant Attorney General
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*Counsel for Staff of the
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*Counsel of Record
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