

Decision No. C20-0422

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19G-0663EC

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

MR. TAD R. BUONAMICI, DOING BUSINESS AS LONGEST LIMOS LLC,

RESPONDENT.

**COMMISSION DECISION DENYING THE PETITION TO
AMEND OR MODIFY THE RECOMMENDED DECISION**

Mailed Date: June 5, 2020

Adopted Date: June 3, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On May 18, 2020, Tad Buonamici, doing business as Longest Limos, LLC, filed a Petition to amend or modify Recommended Decision No. R20-0016. Mr. Buonamici stated in his filing that he lost his job in March 2020 and would like to modify his payment plan or have a stay of his payments.

2. Decision No. R20-0016, issued on January 8, 2020, approved a Joint Stipulation and Settlement Agreement (Settlement Agreement) filed by the Staff of the Colorado Public Utilities Commission (Staff) and Mr. Buonamici. The Stipulated Motion for Approval of the Stipulation and Settlement Agreement and Dismissal of Civil Penalty and Assessment Notice 124028 (Joint Motion) was filed by Staff and Mr. Buonamici along with the Settlement

Agreement on January 6, 2020. Decision No. R20-0016 became the decision of the Commission on January 28, 2020.

3. The Joint Motion states that the Parties entered into the Settlement Agreement as a complete and final resolution of all issues that were or could have been raised in this proceeding and that the Settlement Agreement is in the public interest.

4. The Joint Motion further states that the Settlement Agreement resolved all matters that were raised, or could have been raised, relating to the issues specifically identified and addressed in this proceeding. In the Settlement Agreement, Mr. Buonamici admitted liability to all violations contained in Civil Penalty Assessment Notice No. 124028.¹

5. In consideration of Mr. Buonamici's admission of liability and other circumstances addressed in the Settlement Agreement, Staff agreed to reduce the amount of the civil penalty from \$13,915.00 to \$9,045.00. This \$9,045.00 settlement amount consists of a \$7,865.22 penalty, plus a 15 percent surcharge of \$1,179.78 pursuant to § 24-34-108(2), C.R.S.

6. According to the Settlement Agreement, the total civil penalty was to be paid in ten installments with the first installment of \$904.50 due by February 15, 2020 and each subsequent payment of \$904.50 due within 30 days following the due date of the previous payment.

7. The Settlement Agreement stated that if Mr. Buonamici fails to make any payment when due, he will be liable for the full civil penalty amount of \$13,915.00, less any payments actually made and that such remaining amount will be due immediately.

¹ Civil Penalty Assessment Notice No. 124028, dated November 21, 2019, alleged one violation of § 40-10.1-107(1), C.R.S., failure to maintain and file evidence of financial responsibility and one violation of § 40-10.1-302(1)(a) operating and/or offering to operate as a luxury limousine without a valid permit.

8. The Settlement Agreement also stated that Mr. Buonamici's failure to abide by the terms of the Settlement Agreement, or his violation of the Settlement Agreement and subsequent failure to complete his payment obligation as set forth in the Settlement Agreement, shall also be deemed a waiver by Mr. Buonamici of any and all rights to file exceptions and/or a request for rehearing, reargument, and consideration, or to file any other form of appeal.

9. The Settlement Agreement was signed on or before December 31, 2019, on behalf of the Staff by Brian Chesher, Director of Transportation, and by Tad R. Buonamici, as the owner of Respondent.

10. Mr. Buonamici made a payment of \$904.75 on February 13, 2020 and a payment of \$904.50 on March 17, 2020 but failed to make any payment by April 17, 2020 or May 17, 2020.

II. ORDER

A. The Commission Orders That:

1. The petition of Mr. Tad Buonamici, business as Longest Limos LLC filed on May 18, 2020, requesting a modification or amendment to Decision No. R20-0016 is denied.

2. The remaining full civil penalty amount of \$12,105.75 (\$13,915.00 minus the two payments that were made) shall be due immediately from the effective date of this Decision.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 3, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners