

Decision No. R23-0131-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22G-0333TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

ERIC HOUSTON DOING BUSINESS AS CODE 3 TOWING,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING MOTION TO VACATE
AND RESCHDULE, AND VACATING
AND RESCHDULING HEARING**

Mailed Date: February 23, 2023

I. STATEMENT

1. This proceeding concerns Civil Penalty Assessment Notice (CPAN) No. 131017 filed by Commission Staff on July 22, 2022 against Eric Houston doing business as Code 3 Towing.

2. On November 9, 2022, the Commission referred this proceeding to an Administrative Law Judge (ALJ) by minute entry.

3. On January 31, 2023, the ALJ issued Interim Decision No. R23-0069-I that, among other things, scheduled an evidentiary hearing in this matter for March 1, 2023.

4. On February 10, 2023, Staff's Motion to Vacate and Reschedule Hearing (Motion to Vacate and Reschedule) was filed by the Trial Staff of the Colorado Public Utilities Commission (Staff). Staff requests that the evidentiary hearing scheduled for March 1, 2023, at 10:15 a.m. be vacated and rescheduled due to the unavailability of one of its witnesses who is scheduled to be on a medical leave of absence at that time.

5. Pursuant to Rule 1400(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, the Motion to Vacate and Reschedule is deemed unopposed.

6. Based upon good cause shown, the unopposed Motion to Vacate and Reschedule will be granted.

7. The evidentiary hearing scheduled for March 1, 2023, will be vacated and a new hearing date will be set as ordered below.

II. ORDER

A. It Is Ordered That:

1. Staff's Motion to Vacate and Reschedule Hearing, filed February 10, 2023, is granted.

2. The evidentiary hearing currently scheduled for March 1, 2023, at 10:15 a.m. is vacated.

3. An evidentiary hearing in this matter shall be conducted at the following date, time, and place:

DATE: March 7, 2023

TIME: 09:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado 80202

Optionally, any party may participate remotely by joining a video conference using Zoom at the link provided as to the established parties in an e-mail prior to the scheduled hearing, as addressed in Decision No. R23-0062-I.

4. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing, if opted.

5. The remaining requirements ordered in Interim Decision Nos. R23-0062-I and R23-0069-I shall remain in effect.

6. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director