

Decision No. R23-0194-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
VACATING AND RESCHDULING HEARING AND
ADDRESSING MEDICAL CONDITION**

Mailed Date: March 21, 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. (Respondent)

2. On February 23, 2023, the ALJ issued Interim Decision No. R23-0131-I that scheduled an evidentiary hearing for March 7, 2023.

3. On March 3, 2023 and March 5, 2023, Staff of the Public Utilities Commission (Staff) and the undersigned received correspondence from email account

completelandscaping1@yahoo.com indicating that Respondent wished to postpone the evidentiary hearing scheduled for March 7, 2023 due to Respondent's medical condition and appointments. The correspondence indicated that Respondent was scheduled to have medical appointments, on March 8, 9, and 17, 2023.

4. By Decision No. R23-0163-I, issued March 6, 2023, the undersigned vacated the hybrid evidentiary hearing scheduled for March 7, 2023 and rescheduled a hybrid evidentiary hearing for March 23, 2023.

5. On March 7, 16, and 17, 2023, after the issuance of Decision No. R23-0163-I, Staff and the undersigned received additional correspondence from email account completelandscaping1@yahoo.com (correspondence). The correspondence generally indicated that: Respondent was suffering from a medical condition; Respondent could not attend the hearing scheduled for March 23, 2023 due to a medical appointment;¹ and that Respondent wished to further postpone² the evidentiary hearing in this matter.

6. There is no indication that the correspondence from Respondent, dated March 7, 16, and 17 was sent to Staff or its counsel. Therefore, it was filed in this Proceeding.

¹ In his March 3 and 5 communications with Staff and the undersigned, Respondent stated that he had medical appointments scheduled for March 8, 9, and 17. Respondent said nothing about an appointment on March 23. Given that Decision No. R23-0163-I issued on March 6, 2023, it appears likely that Respondent scheduled the March 23, 2023 appointment after Decision No. R23-0163-I issued.

² The length of the postponement sought by Respondent has been inconsistent. In portions of the correspondence, dated March 7, 2023, March 16, 2023, and March 17, 2023, it is indicated that Respondent is seeking a postponement of the evidentiary hearing until "end of April," of "a couple months," and, until Respondent was "feeling better," respectively.

7. Respondent does not currently hold a towing permit issued by this Commission. No prejudice will come to the parties from a short postponement of the evidentiary hearing ordered herein. Therefore, the ALJ will *sua sponte* vacate the evidentiary hearing scheduled for March 23, 2023 and schedule a new hearing date as ordered below.

8. If Respondent wishes to further postpone the evidentiary hearing, as ordered below, due to Respondent's medical condition, Respondent shall file an appropriate motion accompanied by a medical certificate issued by a Colorado-licensed physician, healthcare practitioner acting under a physician's authority, or healthcare practitioner licensed to prescribe and treat patients (Colorado healthcare provider). The certificate must evidence the general nature of Respondent's medical condition [specific diagnosis is not required] and express an opinion that the medical condition would prevent Respondent from appearing remotely for hearing by video conference, as ordered below, and representing himself, because of that medical condition. If such an opinion is expressed, then the anticipated length of time required for recovery should also be expressed.

9. The medical certificate must: be in writing (with all applicable electronic certificates and signatures to be provided electronically); be filed with the Commission (by U.S. Mail or the Commission's E-Filing System) in this Proceeding; issued by the office of a Colorado healthcare provider; identify the name of the patient whose medical condition is at issue; and include the Colorado medical provider's identification number, phone number, name, and signature.

10. Any filings made by Respondent shall comply with the confidentiality requirements set forth in Rules 1100 and 1101, 4 *Code of Colorado Regulations* 723-1.

II. ORDER**A. It Is Ordered That:**

1. The evidentiary hearing currently scheduled for March 23, 2023, at 9:00 a.m. is vacated.

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

DATE: April 3, 2023
TIME: 9:00 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.

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

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

5. Should Respondent Eric Houston, doing business as Code 3 Towing wish to further postpone the hearing ordered herein due to Respondent's medical condition, Respondent shall file an appropriate motion accompanied by a medical certificate, as set forth in paragraphs 8, 9, and 10 above.

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