

Decision No. R24-0104

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0573TO

JOHN AND KEITH E. MOTTRAM,
COMPLAINANTS,

V.

LONE STAR TOWING LLC DOING BUSINESS AS BOULDER VALLEY TOWING &/OR
LONE STAR TOWING
RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DISMISSING COMPLAINT AND CLOSING PROCEEDING**

Mailed Date: February 20, 2024

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On November 27, 2023 Complainants John and Keith E. Mottram (Complainants) filed a Formal Complaint (Complaint) against Lone Star Towing, LLC doing business as Boulder Valley Towing and/or Lone Star Towing (Respondent). The Complaint alleges that Respondent improperly towed Complainants guest's vehicle on October 8, 2023 without notice. Complainants also seek reimbursement for the towing fees of \$450.12, in addition to attorney fees, pursuant to § 40-10.1-406(2), C.R.S., if applicable.

2. On November 29, 2023, the Commission issued its Order Setting Hearing and Notice of Hearing (Notice), which set this matter for hearing on February 12, 2024, before an Administrative Law Judge (ALJ). The Notice also stated that the ALJ would establish the place and manner in which the hearing would be held.

3. Also on November 29, 2023, the Commission issued its Order to Satisfy or Answer, which ordered Respondent, within 20 days, to: (a) satisfy the matters in the complaint and provide the Commission with sufficient evidence of the same; or (b) file an answer to the complaint with the Commission.

4. On December 6, 2023, the Commission referred this proceeding to an ALJ for disposition by minute entry during the Commission's Weekly Meeting.

5. On December 18, 2023, Respondent filed its Answer, including five photo attachments.

6. By Decision No. R24-0041-I, issued on January 18, 2024, the undersigned ALJ established procedures for the remote evidentiary hearing scheduled to occur on February 12, 2024 at 9:00 a.m.

7. On February 9, 2024, the Notice of Settlement was filed by Respondent. The notice informs the Commission that Respondent was authorized by Complainants to file the notice on behalf of both parties, and to state that as a result of the settlement, this proceeding should be closed.

8. At the scheduled time and place, the matter was called for hearing. Respondent appeared through counsel. No appearance was entered by or on behalf of Complainants. During the hearing, Respondent's counsel indicated that it had the authority of the Complainants to file the Notice of Settlement and all issues in this Proceeding have been resolved.

9. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding along with a written recommended decision.

II. ORDER**A. The Commission Orders That:**

1. The formal complaint filed by John and Keith E. Mottram against Lone Star Towing, LLC doing business as Boulder Valley Towing and/or Lone Star Towing on November 27, 2023 is dismissed.

2. Proceeding No. 23F-0573TO 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.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director