

Decision No. R24-0495-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0179TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

KLAUS' TOWING LLC DOING BUSINESS AS KLAUS'TOWING INC.

RESPONDENT.

**INTERIM DECISION
ADOPTING PROCEDURAL SCHEDULE
AND SETTING HEARING**

Issued Date: July 10 ,2024

I. STATEMENT

1. This proceeding concerns Civil Penalty Assessment Notice ("CPAN") No.135862 issued by Commission Staff on April 18, 2024, against Respondent Klaus Towing LLC doing business as Klaus Towing Inc. ("Respondent" or "Klaus"). The CPAN assessed Klaus a total penalty of \$383,297.50 for 368 violations of rules contained in 4 *Code of Colorado Regulations* ("CCR") 723-6, and more specifically listed in the CPAN.

2. The CPAN was personally served on April 18, 2024.

3. On May 8, 2024, Trial Staff of the Commission ("Staff") filed its Notice of Intervention as of Right and Entry of Appearance in this proceeding.

4. On May 22, 2024, the Commission referred this proceeding to an Administrative Law Judge ("ALJ") by minute entry.

5. On June 5, 2024, by Decision No. R24-0387-1, a prehearing conference was scheduled for July 9, 2024.

A. Procedural Schedule

6. At the prehearing conference the Parties agreed to the following procedural schedule:

Event	Date
Direct Testimony and/or Exhibits	September 20, 2024
Answer Testimony and/or Exhibits	October 11, 2024
Rebuttal Testimony and/or Exhibits	October 25, 2024
Prehearing Motions/Settlement/Stipulations	October 29, 2024
Witness Order & Estimated time	October 29, 2024
Evidentiary Hearing	November 4-8 & November 12
Statements of Position	December 6, 2024

7. The Parties were unable to agree to either live testimony or pre-filed testimony. Therefore, the Parties will have the option of filing pre-filed testimony or having their witness present direct testimony live. If a Party decides to pre-file testimony for a witness, that witness will not be allowed to present additional direct testimony during the hearing. If a witness pre-files testimony they must be available for cross-examination if desired by the opposing party or the ALJ.

8. The hearing will be held as a hybrid hearing.

9. A hybrid hearing is one in which at least one party chooses to appear in person, while others choose to appear remotely. A webcast of proceedings will be available to the public

through the Commission's website. Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

10. The procedures developed for the hybrid evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video conference allows parties and witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

11. The hybrid evidentiary hearing will be conducted via video conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the hybrid hearing may be disrupted by non-participants, the link and meeting ID, or access code to attend the hearing will be provided to the parties by email approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

12. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this proceeding. Given that the hearing will accommodate remote participation by video conference, exhibits must be presented electronically.

13. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.

14. As such, it is essential that the parties ensure they are able to access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links

and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

15. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

16. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

17. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Staff is assigned hearing exhibit numbers 100 to 499;
- Klaus is assigned hearing exhibit numbers 500 to 899.

18. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

19. Additional procedural requirements may be addressed in future Interim Decisions

II. **ORDER**

A. **It is Ordered That:**

1. A hearing in this matter shall be conducted at the following date, time and place:

DATE: November 4-8 & November 12, 2024

TIME: 9:00 a.m. each day.

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

WEBCAST: Commission Hearing Room B

METHOD: In-person and by video conference using
Zoom at the link to be provided to counsel and the parties via
email prior to the hearing.

Optionally, any party may participate remotely by joining a video conference using Zoom at the link provided as to the established parties in an email prior to the scheduled hearing, as addressed above.¹

2. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

3. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are herein and, in the discussion above.

¹ Instructions for using the Zoom video conferencing platform are provided in Attachment A to this Decision.

4. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge