

Decision No. R24-0512-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0084TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

**INTERIM DECISION
SCHEDULING REMOTE PREHEARING CONFERENCE**

Mailed Date: July 17, 2024

I. STATEMENT

A. Procedural History

1. On February 20, 2024, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 139039 (“CPAN”) against Sergio Cornejo doing business as MNS Towing LLC (MNS Towing) alleging 24 counts of violating of § 40-10.1-401(1)(a), C.R.S. on January 20, 22, 23, 24, and 25, 2024, and 23 counts of violating Commission Rule 6007(e)(II) on February 13, 2024. The CPAN states that the civil penalty assessed for the alleged violations is \$59,455, but that if MNS Towing pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$29,727. Finally, the CPAN states that, if the Commission does not receive payment within ten days, the CPAN will convert into a Notice of Complaint to Appear and a hearing will be

scheduled at which the Commission Staff will seek the “Total Amount” of \$59,455.¹ The CPAN also states that the Commission may order MNS Towing to cease and desist from violating statutes and Commission rules.²

2. The CPAN states that the Commission served the CPANs by U.S. certified mail on February 20, 2024.

3. On April 12, 2024, Trial Staff of the Commission (“Staff”) entered its appearance in this proceeding.

4. MNS Towing has not paid any amount, much less the reduced civil penalty amount or the total civil penalty amount, of the CPAN.

5. On April 24, 2024, the Commission referred this proceeding by minute entry to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

6. On June 11, 2024, Decision No. R24-0398-I issued establishing a June 28, 2024 deadline for the parties to file one or more Statements Regarding Hearing identifying the filer’s preference for an in-person, remote, or hybrid hearing and, if a filer prefers an in-person hearing, the preferred location of the hearing with an explanation of why the hearing should be conducted at the filer’s preferred location.

7. On June 28, 2024, Staff filed a Statement Regarding Hearing in which it stated that it prefers a remote hearing. Staff further stated that it had conferred with Respondent about the method of the hearing and Respondent had stated: “I can come in person.”

¹ CPAN Nos. 135021 and 135131 at 3.

² *Id.*

B. Remote Prehearing Conference

8. A remote prehearing conference will be scheduled on August 13, 2024 at 1:00 p.m. Attachment A to this Decision provides information about how to use the Zoom platform for remotely participating in the remote prehearing conference. The parties must review Attachment A to this decision in preparation for the remote prehearing conference.

9. To minimize the potential that the video-conference will be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the remote prehearing conference, and the participants will be prohibited from distributing that information to anyone not participating in the remote prehearing conference.

10. The Commission will hold an informal practice video-conference session if requested by any party to give the parties an additional opportunity to practice using Zoom before the remote prehearing conference. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us and stephanie.kunkel@state.co.us, to schedule an informal practice video-conference session. If an informal practice session is requested, the parties will receive an email with information and a link to participate in the informal practice session.

C. Additional Advisements

11. The parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties to be familiar with and to comply with these rules. The rules are available on the Commission's website <https://puc.colorado.gov/pucrules> and in hard copy from the Commission.

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

1. A remote prehearing conference in this proceeding is scheduled as follows:

DATE: August 13, 2024

TIME: 1:00 p.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from Commission Administrative Staff³

2. Nobody should appear in-person for the remote prehearing conference.

3. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the remote prehearing conference hearing. The parties must review Attachment A to this decision in preparation for the remote prehearing conference.

³ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director