

Decision No. R24-0542-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0194HHG

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

MICHELLE MARIE ROJAS & MARGERTO B ROJAS DOING BUSINESS AS MEAN
MOMMA BOSS B1TCH MOVING,

RESPONDENT.

**INTERIM DECISION
SCHEDULING EVIDENTIARY HEARING,
ESTABLISHING PROCEDURES, AND PROVIDING
INSTRUCTIONS CONCERNING EXHIBITS AND
PARTICIPATING IN HEARING**

Issued Date: July 29, 2024

I. STATEMENT

A. Procedural Background

1. On May 1, 2024, the Staff of the Public Utilities Commission (“Staff”) issued a Civil Penalty Assessment or Notice of Complaint to Appear No. 140139 (“CPAN”) against Michelle Marie Rojas & Margerto B. Rojas, doing business as Mean Momma Boss B1tch Moving (“Respondent”) alleging one count of violating § 40-10.1-107(1), C.R.S. and one count of

§ 40-10.1-502(1)(a), C.R.S. on April 11, 2024. The CPAN states that the civil penalty assessed for the alleged violations is \$13,915.00, but that if Respondent pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$6,957.50. 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 \$13,915.00.¹ The CPAN also states that the Commission may order Respondent to cease and desist from violating statutes and Commission rules.²

2. On June 17, 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.

3. By Decision No. R24-0491-I, issued July 10, 2024, the undersigned ALJ ordered Staff and Respondent to file a Statement Regarding Hearing identifying the filer’s preference for an in-person, remote, or hybrid hearing, and, for an in-person hearing, a preferred location and an explanation of why the hearing should be conducted at the filer’s preferred location. The deadline for such Statements Regarding Hearing was July 19, 2024.

4. On July 18, 2024, Respondent’s “Requesting hearing [sic]” was filed. Respondent requested a hearing on the violation of § 40-10.1-107(1), C.R.S., stating that it was false and they were insured. Respondent stated they included proof of insurance with their filing, but no insurance was attached. Respondent did not specify their preferred method for the hearing.

¹ CPAN No. 140139 at 3.

² *Id.*

5. On July 19, 2024, Staff's Statement Regarding Hearing was filed. Staff indicated that they had attempted to confer with Respondent via email at the email address on file with the Commission, but Respondent had not responded as of the date of their filing.³ Staff also stated that they did review Respondent's request for a hearing, but noted it made no mention as to type of hearing.⁴ Staff's preference regarding an evidentiary hearing in this proceeding would be for a remote evidentiary hearing.⁵

II. FINDINGS AND CONCLUSIONS

A. Remote Evidentiary Hearing and Unified Numbering System for Hearing Exhibits

6. The evidentiary hearing will be held remotely by Zoom, as ordered below. A webcast of proceedings will be available to the public through the Commission's website.

7. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

8. The procedures developed for the remote 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 videoconference 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.

9. The remote evidentiary hearing will be conducted via videoconference 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 remote

³ Staff's Statement Regarding Hearing at 1, 2.

⁴ *Id.* at 2.

⁵ *Id.* at 3.

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.

10. 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 videoconference, exhibits must be presented electronically.

11. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of remote evidentiary hearing.⁶ 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.

12. 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 presenting them during the hearing.

⁶ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

13. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentation 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.

14. 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 199; and
- Respondent is assigned hearing exhibit numbers 200 to 299.

B. Additional Procedural Notices and Advisements

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

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

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

18. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

19. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including the assessment of penalties against Respondent.

C. Informational Videoconference Practice Session

20. The ALJ will hold an informal practice videoconference session if requested by any Party to give the Parties an additional opportunity to practice using Zoom and box.com before the hearing.

21. The Parties may contact the Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal practice video conference session.

22. The Parties will receive information and a link to participate in the informal practice session by email.

III. ORDER

A. It Is Ordered That:

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

DATE: August 26, 2024

TIME: 9:00 a.m.

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

WEBCAST: Commission Hearing Room B

METHOD: Fully remote by videoconference using Zoom at the link to be provided to counsel and the parties via email prior to the hearing.⁷ No party should appear at the Commission in person.

2. The parties shall comply with the requirements established in this Decision and shall make the filings as required by the adopted procedural schedule.

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

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

5. **Videoconference Participation.** Counsel for the parties, parties, and witnesses must participate in the evidentiary hearing by videoconference using the Zoom platform.

6. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing will accommodate remote participation by videoconference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

7. An informal Zoom practice session will be held upon request.

⁷ Instructions for using the Zoom videoconference platform are provided in Attachment A to this Decision.

8. This Decision shall be 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

G. HARRIS ADAMS

Administrative Law Judge