

Decision No. R24-0563-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0134HHG

PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

CARLOS GUTIERREZ IN THEIR CAPACITY AS OWNER AND/OR OPERATOR OF
EXCURSION PROFESSIONAL MOVERS LLC,

RESPONDENT.

**INTERIM DECISION
VACATING AND RESCHEDULING HEARING**

Issued Date: August 7, 2024

I. STATEMENT

1. On March 21, 2024, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 138839 (“CPAN”) against Carlos Gutierrez in his capacity as owner and/or operator of Excursion Professional Movers LLC (“Excursion Professional Movers”) alleging one violation of § 40-10.1-107(1), C.R.S. and one violation of § 40-10.1-502(1)(a), C.R.S. The CPAN states that the civil penalty assessed for the alleged violations occurring on February 21, 2024, is \$13,915, but that if Excursion Professional Movers pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$6,957. 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 see the “Total Amount” of \$13,915.¹ The CPAN also states that the Commission may order Excursion Professional Movers to cease and desist from violating statutes and Commission rules.²

2. By Decision No. R24-0538-I, issued July 26, 2024, a hearing was scheduled to commence on September 11, 2024, and a procedural schedule was established.

3. On August 2, 2024, Trial Staff’s Motion to Amend Procedural Schedule and Waive Response Time was filed. Trial Staff requests that the hearing be rescheduled due to the unavailability of Trial Staff’s primary witness. Trial Staff proposes three alternative hearing dates.

4. Trial Staff conferred with Carlos Gutierrez, owner and/or operator of Excursion Professional Movers, regarding the requested relief. Respondent only expressed a preference for one of the alternative hearing dates.

5. The requested relief being unopposed, it is appropriate that response time be waived. Based upon good cause shown for the unopposed request, the motion will be granted.

6. September 12, 2024, being the only proposed alternative that the undersigned can accommodate, the hearing will be rescheduled accordingly.

II. ORDER

A. It Is Ordered That:

1. The hearing scheduled to commence in this matter on September 11, 2024, is vacated.

¹ CPAN No. 138839 at 3.

² *Id.*

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

DATE: September 12, 2024

TIME: 9:00 a.m.

PLACE: COMMISSION HEARING ROOM
1560 BROADWAY, SUITE 250
DENVER, COLORADO

3. Trial Staff of the Colorado Public Utilities Commission must file a list of the witnesses anticipated to be called at the hearing and copies of the exhibits to be presented at hearing no later than August 10, 2024.

4. Carlos Gutierrez, in his capacity as owner and/or operator of Excursion Professional Movers LLC, must file a list of the witnesses anticipated to be called at the hearing and copies of the exhibits to be presented at hearing no later than August 25, 2024.

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

6. 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