

Decision No. R24-0896-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0360TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SUSAN STEINBERGER IN HER CAPACITY AS OWNER AND/OR OPERATOR OF
GARY'S COLLISION & ALIGNMENT INC.,

RESPONDENT.

**INTERIM DECISION SCHEDULING REMOTE HEARING,
PROVIDING INSTRUCTIONS REGARDING REMOTE
PARTICIPATION IN, AND REMOTE PRESENTATION OF
EXHIBITS AT, THE REMOTE HEARING, AND
REQUIRING OTHER FILINGS**

Issued Date: December 11, 2024

I. STATEMENT

A. Procedural History

1. On August 26, 2024, the Colorado Public Utilities Commission ("Commission") filed Civil Penalty Assessment or Notice of Complaint to Appear No. 141018 ("CPAN") against Susan Steinberger in her capacity as owner and/or operator of Gary's Collision & Alignment Inc. ("Respondent") alleging 68 counts of violating of § 40-10.1-401(1)(a), C.R.S. and 68 counts of violating §40-10.1-107(1) from January 28, 2024 to July 10, 2024. The CPAN states that the civil penalty assessed for the alleged violations is \$946,220, 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

\$473,110. 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 \$946,220.¹ The CPAN also states that the Commission may order Respondent to cease and desist from violating statutes and Commission rules.²

2. The CPAN alleges that the Commission served the CPAN by U.S. certified mail on August 26, 2024.

3. On October 3, 2024, Trial Staff of the Commission entered its appearance in this proceeding.

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

5. On October 16, 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 November 13, 2024, the ALJ issued Decision No. R24-0816-I that established a November 22, 2024 deadline for the parties to file one or more Statements Regarding Hearing identifying the parties’ preference for an in-person, remote, or hybrid hearing and, if a party 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 November 22, 2024, Staff filed a Statement Regarding Hearing in which it stated that it prefers a remote hearing.

¹ CPAN No. 141018 at 19.

² *Id.*

B. Remote Hearing

1. The evidentiary hearing in this proceeding will be scheduled for **March 5, 2025 at 9:00 a.m.** Based on Staff's input, the hearing will be conducted as a remote hearing. To minimize the potential that the remote hearing may 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 hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

8. If a party cannot attend the remote hearing on March 5, 2025, the party with the scheduling conflict must file a motion to reschedule the remote hearing by **December 20, 2024**. Before filing the motion to reschedule, the filing party must confer with the other party about whether the other party opposes the motion and the dates that both parties are available in both February and March 2025. The motion to reschedule must then: (a) state whether it is opposed or unopposed; (b) identify the dates that both parties are available for a remote hearing in both February and March 2025; and (c) identify the number of days that the parties anticipate the remote hearing will take.

9. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted (i.e., from remote to hybrid or in-person).

C. Remote Participation and Exhibits

10. The Commission employs Zoom <https://zoom.us/> for the participation of parties, witnesses, attorneys, and Commission staff in remote hearings. Attachment A to this Decision provides instructions for how to use the Zoom platform to remotely participate in the remote hearing.

11. Given that the hearing will be a remote hearing in which the parties, witnesses, and attorneys will participate remotely, exhibits must be presented electronically. The Public Utilities Commission utilizes Box.com to manage exhibits in remote hearings. Attachment B provides detailed instructions for the marking, formatting, and electronic presentation of exhibits at the hearing through Box.com.

12. Each party will receive an email containing an invitation to sign up for a free Box.com account. Once signed-up, each party will be invited to share a folder with (only) the staff in the Administrative Hearings Section, Commission advisors, and potentially Commissioners and Commission counsel. The party may share access to its Box.com account with others as they choose.

13. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

14. The Commission will hold an informal practice video-conference session if requested by any party to give an opportunity to practice using Zoom before the remote hearing. 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.

D. Filing and Service of Witness Lists and Exhibits

15. On or before **January 17, 2025**, Staff will file and serve on Respondent: (a) a list that identifies each witness Staff intends to call at the hearing, the last known address and

telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Staff will present at the hearing.

16. On or before **February 14, 2025**, Respondent will file and serve on Staff: (a) a list that identifies each witness Respondent intends to call at the hearing other than Ms. Steinberger, the last known address and telephone number of each witness other than Ms. Steinberger, and a summary of the anticipated testimony of each witness other than Ms. Steinberger;³ and (b) copies of the exhibits Respondent each will present at the hearing.

17. As referenced in this Decision, serving a party with any document (*e.g.*, witness and exhibit lists and exhibits) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the Commission's Rules of Practice and Procedure.⁴ The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

18. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party (*e.g.*, the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).⁵

19. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). Each exhibit shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the

³ It is reasonably foreseeable that Ms. Steinberger may testify at the hearing, which renders disclosure on the witness list unnecessary.

⁴ 4 CCR 723-1.

⁵ See Rule 1205(e), 4 CCR 723-1.

hearing. The parties shall work together to ensure that there are no overlaps in the numbering of the exhibits.

20. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

21. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

22. The parties are on notice that: (a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required herein; (b) failure to provide an accurate description of the anticipated testimony of a witness may also result in an order prohibiting such witness from testifying; and (c) any exhibit may not be received in evidence unless filed and served as required herein.

E. Additional Filing Requirement

23. Staff will be required to file a statement identifying whether it is seeking to impose personal liability on Susan Steinberger; liability solely on Gary's Collision & Alignment Inc.; or both. The deadline for Staff to file such a statement is **December 20, 2024**.

F. Additional Advisements

24. 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 (<http://www.dora.colorado.gov/puc>) and in hard copy from the Commission.

II. **ORDER**

A. **It Is Ordered That:**

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

DATE: March 5, 2025

TIME: 9:00 a.m. to 5:00 p.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link be provided to the participants by email .

2. The deadline for any party with a scheduling conflict with the remote hearing date to file a motion to reschedule the remote hearing is December 20, 2024.

3. The deadline for Trial Staff of the Commission (Staff) to file its Statement Regarding Liability described above is December 20, 2024.

4. The deadlines for Staff and Respondent to file and serve their witness lists and exhibits are January 17, 2025 and February 14, 2025, respectively.

5. 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