

Decision No. R20-0659-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-0128TR

IN THE MATTER OF THE PETITION OF C. J. JOHNSON TO REVERSE AN INITIAL DRIVER DISQUALIFICATION DETERMINATION PURSUANT TO RULE 6105 OF 4 CODE OF COLORADO REGULATIONS 723-6.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
SETTING HEARING**

Mailed Date: September 11, 2020

I. STATEMENT

1. On March 27, 2020, Petitioner C.J. Johnson filed a Petition to reverse an initial determination of driver disqualification pursuant to Commission Rule 6105 of 4 *Code of Colorado Regulations* 723-6, Rules Regulating Transportation by Motor Vehicle.

2. On April 15, 2020, the matter was referred to an Administrative Law Judge (ALJ).

3. On April 21, 2020, Trial Staff of the Commission (Staff) timely filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401. The intervention is of right, and Staff is a party in this matter.

4. On April 23, 2020, by Decision No. R20-0294-I, an evidentiary hearing was scheduled for July 21, 2020.

5. On June 26, 2020, by Decision No. R20-0467-I, a remote status conference was scheduled for July 6, 2020, to discuss procedures for the evidentiary hearing.

6. On July 6, 2020, prior to the scheduled remote status conference, Ms. Johnson advised the Commission that due to an illness she would be unable to appear at the status conference.

7. Informal communications were held via email during the week of July 7, 2020, between the ALJ, Ms. Johnson, and Ms. Whitman representing Staff. Ms. Johnson requested that the evidentiary hearing scheduled for July 21, 2020 proceed as scheduled. The ALJ advised the parties that for the evidentiary hearing not to be vacated it would be necessary to hold a remote status conference during the week of July 13, 2020 in order to go over procedures to hold a remote hearing.¹

8. Parties were advised to provide the ALJ with their availability for a status conference before July 13, 2020. On July 10, 2020, Ms. Whitman provided all parties, including the ALJ, Staff’s availability for a status conference. Ms. Johnson did not respond with her availability for the status conference.

9. On July 14, 2020, by Decision No. R20-0510-I, the evidentiary hearing was vacated, and a prehearing conference was scheduled for September 10, 2020.

10. At the prehearing conference the parties agreed to a procedural schedule.

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|----------------------|-----------------|
| Exchange of Exhibits | October 2, 2020 |
| Hearing | October 8, 2020 |

A. Instructions for Participating in Remote Hearing

11. Attachment A to this Decision provides the requirements and information addressing how to use the GoToMeeting platform for participating in the hearing.

¹ The Commission offices are currently closed due to the Covid-19 pandemic.

12. Parties must follow the procedures for exhibits contained in Attachment B to this Decision.

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, an evidentiary hearing is scheduled as follows:

DATE: October 8, 2020

TIME: 9:00 a.m.

METHOD: By video conference using GoToMeetings at a link that will be provided to parties by email

2. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

3. Attachment A is incorporated into this Decision.

4. Attachment B is incorporated into this Decision

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director