

Decision No. R25-0062-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0546TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

ROBERT YOUNG DOING BUSINESS AS TOW2GO LLC,

RESPONDENT.

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

Issued Date: February 5, 2025

I. STATEMENT, PROCEDURAL BACKGROUND

1. This proceeding concerns Civil Penalty Assessment (“CPAN”) No. 139174 issued by Commission Trial Staff (“Staff”) on December 13, 2024, to Respondent Robert Young, doing business as Tow2Go, LLC, (“Tow2Go”). The CPAN assessed Tow2Go a total penalty of \$16,387.50 for four alleged violations of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (“CCR”) 723-6 and three alleged violations of Article 10.1 of Title 40. The violations are specifically listed in the CPAN.

2. Staff served the CPAN on Respondent by U.S. certified mail on December 13, 2024.¹

3. On January 8, 2025, the Commission referred this proceeding to an Administrative Law Judge (“ALJ”).

4. On January 15, 2025, Staff filed its Notice of Intervention as of Right and Entry of Appearance in this proceeding.

II. FINDINGS AND CONCLUSIONS

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

5. A remote evidentiary hearing in this matter will be held on March 6, 2025, at 1:00 p.m., as ordered below. A remote hearing is where the parties and ALJ appear remotely. A webcast of the proceedings will be available to the public through the Commission’s website.

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

7. 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 video conference 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.

8. The remote evidentiary hearing will be conducted via video conference 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

¹ See the CPAN at 2.

remote 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.

9. 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 require remote participation by video conference, exhibits must be presented electronically.

10. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of evidentiary hearing.² 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.

11. 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 the presenting them during the hearing.

² 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.

12. 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.

13. 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

14. The ALJ will retain the discretion to change the method by which the hearing will be conducted.

15. 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 at <https://puc.colorado.gov/pucrules> and in hard copy from the Commission.

16. A party's failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including the assessment of penalties against Respondent.

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

18. 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 videoconference session.

19. 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 remote hearing is scheduled as follows:

DATE: March 6, 2025

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 Staff.³

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

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

4. **Video Conference Participation.** Counsel for the parties, parties, and witnesses must attend in the evidentiary hearing by video conference using the Zoom platform.

5. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing will accommodate remote participation by video conference, parties must present all evidence

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>.

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.

6. The Administrative Law Judge will hold an informal Zoom practice session upon request.

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

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director