

Decision No. R25-0636-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25G-0171TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

REGINALD BERRY / PRECISION TOWING AND RECOVERY LLC

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: September 2, 2025

I. STATEMENT

A. Background

1. On April 21, 2025, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 142293 (“CPAN”) alleging that Reginald Berry / Precision Towing and Recovery LLC (“Precision Towing and Recovery”) violated: (a) Commission Rule 6008(a)(1)¹ and § 40-10.1-401(1)(a), C.R.S. on three separate

¹ 4 Code of Colorado Regulations 723-1.

occasions on February 7, 2025; and (b) §§ 40-10-107(1) & 40-10.1-401(1)(a), C.R.S., on October 14 and 17, 2024. The CPAN states that the civil penalty assessed for the alleged violations is \$69,575, but that if Precision Towing and Recovery pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$34,787.50. 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 \$69,575.² The CPAN also states that the Commission may order Precision Towing and Recovery to cease and desist from violating statutes and Commission rules.³

2. The CPAN states that the Commission served the CPAN by certified mail on April 21, 2025.⁴

3. Precision Towing and Recovery has not paid any amount, much less the reduced civil penalty amount or the total civil penalty amount, of the CPAN.

4. On May 14, 2025, 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.

5. On June 3, 2025, Trial Staff of the Commission (“Staff”) filed a Notice of Intervention as of Right and Entry of Appearance.

6. On July 3, 2025, Staff filed a Motion to Amend the CPAN and Waive Response Time (“Motion to Amend”).

² CPAN No. 142293 at 4.

³ *Id.*

⁴ *Id.* at 3.

7. On July 23, 2025, the ALJ issued Decision No. R25-0538-I that granted the Motion to Amend and established an August 4, 2025 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.

8. On August 4, 2025, Staff filed a Statement Regarding Hearing in which it stated that it prefers a remote hearing.

9. Also on August 4, 2025, the U.S. Postal Service returned Decision No. R25-0538-I to the Commission with the following notation:

RETURN TO SENDER

ATTEMPTED NOT KNOWN

UNABLE TO FORWARD

The Commission mailed the decision to 420 W. Cedar Ave., Apt. 102, Denver, CO 80223, which is one of the addresses contained in the Commission's IFMS system, as provided by the Respondent.

B. Remote Hearing

10. The evidentiary hearing in this proceeding will be scheduled for **November 3, 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.

11. If a party cannot attend the remote hearing on November 3, 2025, the party with the scheduling conflict must file a motion to reschedule the remote hearing by **October 15, 2025**. 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 December 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 February and March 2025; and (c) identify the number of days that the parties anticipate the remote hearing will take.

12. 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

13. 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.

14. 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.

15. 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.

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

17. 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

18. On or before **September 19, 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.

19. On or before **October 17, 2025**, Respondent will file and serve on Staff: (a) a list that identifies each witness Respondent 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 Respondent each will present at the hearing.

20. 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.⁵ The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

21. 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).⁶

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

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

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

25. 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.

⁵ 4 CCR 723-1.

⁶ See Rule 1205(e), 4 CCR 723-1.

E. Additional Advisements

26. 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: **November 3, 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 **October 15, 2024**.

3. The deadlines for Staff and Respondent to file and serve their witness lists and exhibits are **September 19, 2025** and **October 17, 2025**, respectively.

4. 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