



**COLORADO**

**Department of  
Regulatory Agencies**

Public Utilities Commission

Eric Blank, Chairman  
Megan M. Gilman, Commissioner  
Tom Plant, Commissioner  
G. Harris Adams, Director

Patty Salazar, Executive Director  
Jared S. Polis, Governor

February 16, 2023

Ivan G. Valles  
131 32 1/2 Lane  
Pueblo, CO 81006

RE: Proceeding No. 23F-0081W  
Ivan Valles vs Baxter Water/O'Neal Water - Formal Complaint

To Whom It May Concern:

Your formal complaint is set for hearing. I have enclosed a notice that tells you the date, time, and place of your hearing along with a copy of an "Order to Satisfy or Answer" that was sent to the utility company with a copy of your complaint.

If you are not represented by an attorney, it is important that you become familiar with the process of a formal complaint and how a formal PUC hearing is conducted. An enclosed publication, called "Formal Complaint Procedures", is designed to help you. It includes a pre-hearing procedures check list, a hearing procedures check list, a post-hearing procedures check list, and a glossary of terms.

Although the hearing may take place in a less formal setting than a courtroom, it is much like a court hearing or trial. An Administrative Law Judge (ALJ) will hear the case, and a court reporter will make a record of the proceeding.

If you have questions about any of the procedures explained in this publication, contact Harris Adams at 303-894-2840. He will not give you legal advice, but can answer your questions about the formal complaint process.

You should anticipate that the utility company will be represented by an attorney. As an individual, you may represent yourself. You will have to follow the same rules of evidence as the utility's attorney and you will have the same rights as the utility. The ALJ will see that a fair hearing is conducted, but cannot help one side or the other. There will be no one from the Commission to assist you at the hearing.

The burden is on you, as the complaining party, to prove your case. The utility is not required to defend itself or to present any evidence until you have presented evidence against it.

Sincerely,

Harris Adams  
Harris Adams  
Interim Director



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23F-0081W

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IVAN GUILLERMO VALLES,

COMPLAINANT,

V.

BAXTER WATER SERVICES, MR. JARDEN, ALSO KNOWN AS MR. JARDENS, O'NEAL WATER,  
AND SCOTT GREENWELL

RESPONDENTS.

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**ORDER SETTING HEARING AND NOTICE OF HEARING**

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**TO THE PARTIES IN THIS MATTER:**

The Colorado Public Utilities Commission orders that the hearing in this matter is set before an Administrative Law Judge (ALJ) on:

DATE: April 24, 2023

TIME: 9:00 AM

PLACE: The ALJ will establish the place and manner in which the  
hearing will be held (e.g., in person, fully remote, or hybrid) by  
separate order.

At the above date, time and place you will be given the opportunity to be heard if you so desire.

Colorado PUC Hearing Room B is inviting you to a scheduled Zoom meeting.

Topic: PUC: HRG: 23F-0081W Ivan Valles vs Baxter Water/O'Neal Water - Formal Complaint, ALJ

Join Zoom Meeting

<https://us06web.zoom.us/j/89181914902?pwd=c3MwL0YrUXJkQ2Y4d0h2MUIReGF4dz09>

Meeting ID: 891 8191 4902

Passcode: 622008

One tap mobile

+17193594580,,89181914902#,,,\*622008# US

+16694449171,,89181914902#,,,\*622008# US

Dial by your location

+1 719 359 4580 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 253 205 0468 US  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 646 931 3860 US  
+1 689 278 1000 US  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 305 224 1968 US  
+1 309 205 3325 US  
+1 312 626 6799 US (Chicago)  
+1 360 209 5623 US  
+1 386 347 5053 US  
+1 507 473 4847 US  
+1 564 217 2000 US

Meeting ID: 891 8191 4902

Passcode: 622008

Find your local number: <https://us06web.zoom.us/j/kcBVAyReZW>

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,  
Interim Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. Harris, Interim Director  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250, Denver,  
Colorado 80202

Dated at Denver, Colorado this  
16th day of February, 2023

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23F-0081W

---

IVAN GUILLERMO VALLES,

COMPLAINANT,

V.

BAXTER WATER SERVICES, MR. JARDEN, ALSO KNOWN AS MR. JARDENS, O'NEAL WATER, AND SCOTT GREENWELL

RESPONDENTS..

---

**ORDER TO SATISFY OR ANSWER**

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*YOU ARE NOTIFIED THAT A FORMAL COMPLAINT HAS BEEN FILED AGAINST YOU IN THE ABOVE ENTITLED AND CAPTIONED CASE. YOU ARE ORDERED TO SATISFY THE MATTERS IN THE COMPLAINT OR TO ANSWER THE COMPLAINT IN WRITING WITHIN 20 DAYS FROM SERVICE UPON YOU OF THIS ORDER AND COPY OF THE ATTACHED COMPLAINT.*

*IF THE COMPLAINT IS SATISFIED AND ADEQUATE EVIDENCE OF SATISFACTION IS PRESENTED TO THE COMMISSION, THE COMPLAINT SHALL BE DISMISSED. IF THE COMPLAINT IS NOT SATISFIED, OR IF ADEQUATE EVIDENCE OF ITS SATISFACTION IS NOT PRESENTED TO THE COMMISSION, OR IF NO ANSWER IS FILED WITHIN THE TIME REQUIRED, THE ALLEGATIONS OF THE COMPLAINT MAY BE DEEMED ADMITTED, AND THE COMMISSION MAY GRANT SO MUCH OF THE RELIEF SOUGHT IN THE COMPLAINT AS IS WITHIN ITS POWER AND JURISDICTION OR MAY SET THE COMPLAINT FOR HEARING.*

**BY ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSION of THE STATE OF COLORADO AT DENVER, COLORADO THIS 16<sup>TH</sup> DAY OF FEBRUARY 2023.

(S E A L)



G. Harris Adams,  
Interim Director

ATTEST: A TRUE COPY

**COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CASE NO. \_\_\_\_\_  
(PUC use only)

**COMPLAINT**

1. The Complainant(s) is (are):

| <u>Name</u>            | <u>Mailing Address (Include City and Zip Code)</u> | <u>Daytime Phone No.</u> |
|------------------------|----------------------------------------------------|--------------------------|
| Ivan Guillermo Valles  | 131 32 ½ Ln., Pueblo CO 81006                      | (719) 569-0920           |
| <u>E-mail address:</u> | ivan.valles@outlook.com                            |                          |

Is service address the same as mailing address? If not, list the service address: YES

2. The name and business address of each Respondent is:

| <u>Name</u>                    | <u>Address</u>                                       |
|--------------------------------|------------------------------------------------------|
| Baxter Water Services/Jardens? | P.O. Box 7565 Pueblo West, CO 81007 ; (719) 960-0059 |
| Oneal Water/Scott Greenwell    | unknown; (303) 919-8844                              |

3. The specific act(s) or things complained of, with the necessary facts to give a full understanding of the situation, is (are). If this is a billing dispute, what is the disputed amount (not including requests for damages or compensation)?

-SEE ATTACHED PAGES 3-7 FOR NARRATIVE-

**COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form**

-SEE ATTACHED PAGES 3-7 FOR NARRATIVE-

(If you need more space, please attach additional pages of 8½ by 11 paper.)

4. City or town where you would like to have your hearing: PUEBLO, CO

List of unavailable hearing dates for the next 90 days (excluding holidays and weekends):

March 9-12; March 18-26; April 6-7, April 14, April 28, May 12-15, May 26.

5. If you are disabled and require any type of accommodation, please list your request:

6. I (We) ask(s) that the Commission enter an Order granting whatever relief the Commission deems legally appropriate. I (We) hereby acknowledge that I (we) will cooperate in the prosecution of this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s):

*Jul 6 Valh*

Attorney (if applicable):

Date: Feb. 15, 2023

### **RESPONSE TO ITEM 3 – SPECIFIC ACT(S) OR THINGS COMPLAINED OF**

On February 13, 2023 I arrived to my home at 131 32 1/2 Ln, Pueblo, CO 81006 over a lunch break to discover a man in my front yard excavating the area around my water service shut off valve. When I inquired as to why he was doing so, he indicated because he was going to install a "deep pit valve/tap" upon my water line, and that said valve would be an \$800 obligation I'd have to pay in order to have my water service restored. When I inquired why just my valve, and not that of adjacent neighbors, the gentleman replied that I somehow had previously tampered with said existing valve, and that he had proof I had done so.

There are numerous homes in the neighborhood whose valves are similar to mine, but are not being required to have said valve/meter installed. Mr. Jarden indicated his justification was that I, Ivan Valles, in the past had somehow tampered with the existing shut off valve. This unequivocally false, in the 15 years I have resided here as the homeowner, I have never excavated, much less tampered with said valve, nor does Baxter Water Service possess any proof whatsoever of said tampering. Mr. Jarden vaguely references something about the riser tube being glued somehow, but could provide no further details of his proof of my suspected wrongdoing. Furthermore, I have never received any sort of past correspondence or contact indicating a tampering issue at my service location, nor have ever been disconnected while residing here. Mr. Jarden indicated that the previous owner of the utility, Scott Greenwell, had informed him that he had disconnected my service in the past, and that the existing configuration of said valve's riser tube, somehow "proved" that I tampered with the valve. However, when Deputies from the Pueblo County Sheriff's Office reached out to Mr. Greenwell by phone on 2/13/23, Mr. Greenwell confirmed that he had almost shut my service at one time, but never had actually disconnected my service, invalidating Mr. Jarden's claims.

Mr. Jarden, who appeared in a truck logo'd as Baxter Water Services, who's name I only learned thru the Sheriff's deputies who responded to our request for assistance, refused to identify himself or confirm himself by name, despite claiming that he did. I have his refusal to do so captured on video while excavating in my yard. Nonetheless, Mr. Jarden was clearly was operating on behalf of Baxter Water Services, and in control of said vehicle. Upon my wife, Felicia's arrival home, and unaware of what was going on, asked Mr. Jarden to identify himself, he would not, then proceeded to also call the Pueblo County Sheriff's Office indicating that we were being "hostile" towards him. Dispatchers on the other line with me at the exact same time obviously knew this was a completely false claim, and nothing more than a deflection tactic and a direct false statement to law enforcement dispatchers by phone.

We did not receive a written notice of discontinuance of service at least 15 days in advance of the attempted disconnect on 2/13/2023. While Mr. Jarden claims that a disconnect notice was previously mailed, and that a separate disconnect notice was posted on my fence. I dispute this claim as untrue, we've never received said letter, nor retrieved any notice from our fence. I would challenge Mr. Jarden to produce a USPS proof of certified mailing and delivery of said notices-he can't because they don't exist. I offered to pay Mr. Jarden the one month due, in the amount of \$58.75, plus the \$15 late fee, on the spot. He refused payment, indicating I'd have to pay "over a thousand dollars" before service would be restored, and added "we're not fucking around with you people in this neighborhood."

PUC staff has indicated that no request to transfer O'Neal Water to Baxter Water Services has been received much less approved by the PUC. Therefore, Mr. Jarden is not a PUC bona fide representative of my water utility, and therefore has entered upon my property unlawfully to attempt said valve installation and disconnect of service. This fact essentially places Mr. Jarden's actions subject to criminal law enforcement, and I will request the PCSO arrest him for trespass should he return.

My wife, Felicia, and I firmly believe the current actions of Baxter Water Services together with O'Neal Water may somehow be completely in retribution for a 2022 complaint I, Ivan Valles, filed with DORA/PUC regarding continued water main breaks, flooding, and interruptions of service by O'Neal Water Service over the 15 year service history we've maintained, without interruption, at location.

Therefore, I am hereby formally requesting that the Commission, DORA, the State AG's Office, and/or any other pertinent regulatory agencies as needed provide the following relief:

1. Prohibit the disconnection of my service while these issues are being resolved
2. Prohibit Baxter Water Services from performing any disconnects in the service area of O'Neal Water until legally operating with PUC approval, and upon said approval, only with proper due process and notification.
3. Compel O'Neal/Baxter Water to reconnect any unlawful disconnects performed since 1/1/23 while operating without PUC approval.
4. Compel O'Neal Water and/or Baxter Water services to provide proof, including all correspondence and/or documentation notes upon my account, that any alleged tampering of the existing valve at 131 32 ½ Lane was ever discussed/addressed with me, Ivan Valles, at any point in the past while under the ownership of O'Neal Water, to substantiate Baxter Water Services claim that I've tampered with said valve. This is a completely baseless claim without merit, and neither provider could possibly have such documentation. Should they be unable to prove this, see number 5.
5. Disallow/invalidate Baxter Water Services \$800 "tap" fee they have billed me for, as shown upon the 2/1/23 bill received, again, on the justification that said valve is required because I allegedly tampered with the existing valve. Unless this can be proved, which it can't, this is a completely baseless claim and nothing more than a directed predatory tactic against some

customers to generate revenue. If they want a new shut off valve, need to install at their expense, it's their infrastructure to disconnect with, not mine.

6. Disallow/invalidate Baxter Water Services \$50 fee for "arrival to disconnect", and their \$100 fee for "arrival to disconnect 2 times" as shown on the 2/1/2023 bill we've received. Not my fault they can't complete their work on their first visit, much less get to charge me for it...
7. Disallow/invalidate Baxter Water Services claim upon 2/1/23 bill that I had \$235 in prior balance, this is impossible with only one-month of service provided at \$58.75, and having previously satisfied my account with O'Neal Water to a zero balance on 12/4/2022 thru O'Neal's UBMMax Bill Pay system.
8. Have it be decreed that the only amounts own to Baxter Water is \$58.75 for the month of January 2023, a \$15 late fee for January service, and now \$58.75 for the month of February 2023, for a total due of \$132.50 by the end of February 2023.
9. Compel O'Neal/Baxter Water to provide USPS Certified proofs of mailing and receipt regarding the disconnect notice(s) Baxter Water has claimed to have sent to our home. None were received, nor does any certified mailing exist to prove said disconnect notices were received.
10. Investigate Baxter Water Service selective enforcement practices, and why some customers are being targeted, while others are not. My neighbor directly across the street, Carl Parish, an Anglo, was overdue nearly a year's worth of service, and was never disconnected. Questions have arisen amongst neighbors whether Baxter Water Services efforts are unfairly targeting some customers on the basis of ethnicity or some other protected class status. Additionally, it is suspected that O'Neal/Baxter Water may be pursuing this action in retribution for a complaint I filed in regards to O'Neal in late 2022 regarding a 5-day long water main break that went unresolved until the Pueblo County Health Dept. and CDPHE stepped in to intervene and compel the repair.

11. Compel O'neal Water/Baxter Water to produce the last 5 years of water quality reports, to be mailed to all customers' service locations no later than Feb. 28, 2023. No other customer in the neighborhood I have spoken with has received a water quality report in many years as required.
12. Compel the emergency transfer of this troubled utility to a competent public utility provider such as the Pueblo Board of Water Works or St. Charles Mesa Muni. Water District.

I request that both Baxter Water Services and O'Neal Water are referred to the State AG's office, and pursued to the fullest extent allowable by the courts. We expect a written explanation from Mr. Jarden, on why, he would feel he is not subject to criminal proceedings for his illegal incursion onto our property on 2/13/23, and potentially again on 2/14/23, which will be referred to our attorney and the Pueblo County District Attorney's Office. Thank you for your time and efforts.

Sincerely,

 Feb. 15, 2023

Ivan Valles

ENCLOSURE(S)/EXHIBIT(S):

1. 02/01/2023 Bill received from Baxter Water Services on 2/14/2023 via USPS
2. Envelope carrying the 02/01/2023 bill

- Received, 2/14/2023 -

**BAXTER WATER & SERVICES**

P.O. BOX 7565  
PUEBLO WEST, CO 81007  
719-960-0059

EXHIBIT 1

Ivan Valles

PLEASE REMIT THIS STUB  
WITH PAYMENT

**IVAN VALLES**  
131 32ND 1/2 LN.  
PUEBLO, CO 81006

| DUE DATE    | ACCT NUMBER    |
|-------------|----------------|
| 02/28/2023  | 188            |
| BY DUE DATE | AFTER DUE DATE |
| \$1,082.50  | \$1,097.50     |

AMOUNT  
DUE

SERVICE ADDRESS > 131 32 1/2 LANE Residential

KEEP THIS PORTION FOR YOUR RECORDS

**BAXTER WATER & SERVICES**

P.O. BOX 7565

719-960-0059

PUEBLO WEST, CO 81007

| ACCOUNT NUMBER |            | BILLING DATE |
|----------------|------------|--------------|
| 188            |            | 02/01/2023   |
| CURRENT        | PREVIOUS   | USAGE        |
|                |            | FLAT         |
| FROM           | TO         | DAYS         |
| 02/01/2023     | 02/28/2023 | 27           |

| SERVICE ADDRESS | DUE DATE   |
|-----------------|------------|
| 131 32 1/2 LANE | 02/28/2023 |
| DESCRIPTION     | AMOUNT DUE |

|                                                          |          |                |
|----------------------------------------------------------|----------|----------------|
| Prior Balance                                            | 235.00   | - illegitimate |
| Payment(s)                                               | -0.00    |                |
| Water                                                    | 58.75    | OK ✓           |
| Water Adjustment - Reason: Tap                           | 800.00   | } illegitim    |
| Water Adjustment - Reason: Arrival To Disconnect         | 50.00    |                |
| Late Fee                                                 | 15.00    |                |
| Water Adjustment - Reason: Arrival To Disconnect 2 Times | 100.00   |                |
| Water Adjustment - Reason:                               | -176.25  |                |
| Total:                                                   | 1,082.50 |                |

| BY DUE DATE | AFTER DUE DATE |
|-------------|----------------|
| \$1,082.50  | \$1,097.50     |

AMOUNT  
DUE

Account: 188  
**IVAN VALLES**  
131 32ND 1/2 LN.  
PUEBLO, CO 81006

Baxter Water & Services  
Po Box 7565  
Pueblo West CO 81007-0565

DENVER CO 802

11 FEB 2023 PM 9 L



\$0.61  
US POSTAGE  
FIRST-CLASS  
FROM 81007  
02/10/2023  
stamps  
end of



Ivan Valles  
131 32 1/2 Ln  
PUEBLO CO 81006-9416

EXHIBIT Z  
*Ivan Valles*



## FORMAL COMPLAINT PROCEDURES

### PRE-HEARING PROCEDURES CHECK LIST

1. **Utility company response.** After a utility company receives your formal complaint and the "Order to Satisfy or Answer" from the Public Utilities Commission (PUC), it will do one or more of the following:
  - Contact you and attempt to resolve the problem to your satisfaction. If your problem is resolved, either you inform the Commission that you wish to withdraw your complaint or the utility will file a motion to dismiss your complaint.
  - File a motion to dismiss your complaint. This must be done within 20 days after the date of the "Order to Satisfy or Answer." The utility's motion will state why it thinks your complaint should be dismissed. You have the opportunity to respond if you wish. The Administrative Law Judge (ALJ) will then decide in writing whether your complaint should be dismissed. If the motion is denied, the utility will be required to file an answer to your complaint.
  - File an answer to your complaint. The utility responds to your complaint and states its side of the story. This must be done within 20 days after the date of the Order to Satisfy or Answer, unless a motion to dismiss is filed.
2. **Response to utility's motion to dismiss.** If the utility files an answer, you do not have to file anything further, and you can begin to prepare for hearing. If the utility files a motion to dismiss, you will receive a copy of the motion, and you should respond to it. You do not have to respond, but if you choose to:
  - Your response must be in writing and filed in person, by mail or electronically using the PUC's E-Filings system (sending an email to an employee of the PUC is NOT filing). Include the proceeding number that your complaint has been assigned;
  - You must attach a certificate of service<sup>1</sup> to your response;
  - You must file a copy with the Commission, send a copy to the utility, and keep a copy for yourself; and

<sup>1</sup> If a term is underlined, you will find it explained in alphabetical order in the glossary.

- Your response must be filed within 14 days of the mailed date shown on the certificate of service on the motion to dismiss.
- 3. **Hearing preparation.** Prior to hearing, you should determine who you want to call as witnesses and what exhibits you want to present at hearing. You may request subpoenas from the Commission for witnesses; you may also ask the utility for documents concerning your case. If the utility does not provide these documents, you may file a written request for a subpoena for these documents as well. The ALJ will resolve this issue between the parties before the hearing.

### **HEARING PROCEDURES CHECK LIST**

1. **Call to order.** The ALJ calls the case by name and docket number.
2. **Appearances.** You and the utility's attorney state who you are, who you represent, and your addresses.
3. **Preliminary matters.** The ALJ will ask if there are any preliminary matters. This could be questions about order of witnesses, timing problems, marking of exhibits, any other procedural matters.
4. **Opening statements.** The ALJ will ask if anyone has an opening statement. This is optional unless the ALJ requests it. One side may give one and the other side may decide not to give one. The utility may reserve the right to give its opening statement after you have finished presenting your case.
5. **Complainant's case.** Your case will now be presented. You may call yourself to testify and then give a sworn statement. You may also call other witnesses on your behalf and conduct direct examination. The utility may cross-examine you and your witnesses.

It is during direct examination that exhibits are identified. They should be offered into evidence after the person offering them has laid a foundation for the exhibits. The person offering the exhibits must bring copies of each exhibit for the ALJ, the court reporter, and the other party or parties, and keep a copy for themselves. The other party or parties may ask questions about the exhibits and may object to their being admitted into evidence.

Even if an exhibit has been identified, it will not be part of the evidence until the ALJ admits it. After you have presented all of your evidence, you state that you are finished (you "rest your case").

6. **Utility's case.** The utility presents its case, if any. You may cross-examine each witness if you wish, but you do not have to do so if you have no questions. When it has presented all of its evidence, the utility will rest its case.

7. **Rebuttal.** You may then present rebuttal evidence. Rebuttal is meant to counter or refute the utility's testimony. Rebuttal is optional.
8. **Closing argument.** After all evidence is presented, both sides have the opportunity for closing argument. The ALJ may decide not to allow closing argument. Either side can decide they do not wish to make a closing argument.

### **POST-HEARING PROCEDURES CHECK LIST**

1. **ALJ's decision.** At the end of the hearing the ALJ may tell both sides right then what his or her decision will be, or may take the case under advisement for further consideration. In either case, the ALJ will issue a written recommended decision, typically within 30 days after the last day of hearing, or 30 days after the filing of statement of positions, if allowed.
2. **Appeal of ALJ decision.** If either you or the utility disagrees with the recommended decision, a written appeal (called "exceptions") must be filed within 20 days of the decision's mailed date. If you disagree with the facts as stated in the ALJ's decision, you must pay for a transcript of the hearing made by the court reporter. A partial transcript may be ordered. If you do not provide a transcript, the Commissioners must decide your complaint based on the facts as stated in the ALJ's decision. You will have no other opportunity to challenge those facts. You must file an original and four copies of your appeal. It must include a certificate of service.
3. **Commission decision.** At the earliest possible time, the Commissioners will review an appeal of the ALJ's recommended decision. The Commissioners could decide to adopt the ALJ's recommended decision, or change part or all of the decision. If the Commission doesn't act on the recommended decision within 20 days of its issuance, and no appeals are filed, the recommended decision automatically becomes a Commission decision.
4. **Reconsideration of Commission decision.** If either you or the utility disagrees with the Commission decision, you may file another written appeal (called an "Application for Rehearing, Reargument or Reconsideration") within 20 days of the decision's mailed date. You should state in your appeal the reasons you feel the Commissioners should review their decision. You must file an original and seven copies of your appeal. It must include a certificate of service. At the earliest possible time, the Commission will issue a decision on reconsideration, which will be sent to both sides by mail.
5. **District court review.** If you or the utility still don't agree with the Commission's final decision, either side can file an appeal in District Court. You will need to contact the District Court to learn about its filing procedures and legal representation guidelines.

## **GLOSSARY OF TERMS**

### **CERTIFICATE**

#### **OF SERVICE:**

A statement you include with any filing that shows you mailed a copy of the document to:

- (1) The utility company or companies listed as respondents in your complaint; and
- (2) Any other persons or groups who the Commission has given permission to be included as parties in your complaint.

A certificate of service should be written like the following:

#### **CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing pleading were placed in the U.S. mail, first class postage prepaid, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, addressed to: (list the name and address of each utility or party you sent the document to).

**CLOSING ARGUMENT:** Summation; a person's final chance to review the evidence that was presented and state why that evidence supports a ruling in that person's favor. Closing arguments are not evidence.

**COMPLAINANT:** The person who filed the complaint and who bears the burden of proof.

**CROSS-EXAMINATION:** Questions the opposing side or its attorney asks of the witness after the witness' direct testimony. Cross-examination must be in the form of questions; it is not an argument between the questioner and the witness.

**DIRECT EXAMINATION:** Initial questions and answers, under oath, by a witness for either side. In the case of a complainant acting without an attorney, it is given in the form of a statement under oath.

**EXHIBITS:** Any document or physical piece of evidence a complainant or utility believes helps to prove that side's case. If an exhibit is accepted into evidence by the judge, it will be kept in the PUC's files and will not be returned to the party.

**IDENTIFIED:** Marked for identification so that everyone knows which document is being discussed.

### **LAYING**

#### **A FOUNDATION:**

Once an exhibit has been identified, the person offering it into evidence presents testimony about it through the witness. This testimony shows what the document is, how the witness knows about it and where it came from.

OBJECTIONS: Objections are raised when a person believes a question, statement or exhibit offered by the other party is improper. The person making the objection states the legal reasons for such objection and the other party is given an opportunity to respond. The ALJ will then rule on the objection by overruling or sustaining it. "Overruled" means the evidence will be allowed; "sustained" means the ALJ agrees with the objection and the evidence will not be allowed.

OPENING STATEMENT: A preview or explanation of what each side believes the case is about and what each intends to prove with testimony and exhibits. Sometimes this is referred to as an overview or roadmap of evidence to be presented at hearing. An opening statement is not evidence.

REBUTTAL: Testimony that is similar to direct testimony but is limited to addressing particular testimony or exhibit evidence that the other side has presented. Rebuttal is meant to counter or refute that testimony.

SUBPOENAS: A document issued by the Commission requiring the attendance of a witness or the production of documentary evidence, or both, at a hearing. A subpoena must be served by the person requesting it.



**COLORADO**

**Department of  
Regulatory Agencies**

Public Utilities Commission

Eric Blank, Chairman  
Megan M. Gilman, Commissioner  
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Patty Salazar, Executive Director  
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Thursday, February 16, 2023

Ivan G. Valles  
131 32 1/2 Lane  
Pueblo, CO 81006

Dear Ivan G. Valles:

RE: PUC Formal complaint - Proceeding 23F-0081W

I understand that you have filed a Public Utilities Commission (PUC) Formal complaint. The PUC also offers a voluntary mediation program to consumers and utility companies as an alternate method to try to resolve these types of disputes. Mediation is voluntary for both sides, so the utility will also be receiving a form similar to the one enclosed. If both parties agree, we will move forward in setting up a mediation session.

Enclosed please find information regarding the PUC's mediation program. I hope it will be a helpful guide to how this voluntary program can be beneficial to both parties. Please consider your issues carefully and contemplate if there are some options that could be discussed to resolve the complaint during a mediation session.

If you would like to participate in mediation, please return your completed form as quickly as possible, but no later than 5 business days. I will also need to know the name(s) of any additional party that will attend the mediation with you, as well as their affiliation to the situation. (i.e. your business partner, wife, attorney etc.)

*If you would like to participate, please let me know ASAP what dates & times you are available during the next 2 weeks. You can reach me or leave a message at 303-894-2540 and follow up by sending me your completed mediation request form.*

If you are not interested in the mediation program, a courtesy call to let me know would be appreciated so I may close this file. If you do not wish to mediate, then your Formal complaint will continue through the normally scheduled hearing process with the PUC judge.

Sincerely,

*April Woods*

April Woods  
Mediation Coordinator

Enc: mediation request form and mediation FYI



# COMPLAINANT'S REQUEST FOR MEDIATION FORM

## COLORADO PUBLIC UTILITIES COMMISSION

The mediation process may be available to resolve the following complaint:

Date sent: February 16, 2023

Name of Utility: Water Works, LLC; Baxter Water Services

Complainant's name & address: Ivan G. Valles

131 32 1/2 Lane  
Pueblo, CO 81006

Proceeding Number: 23F-0081W

Please complete the following if you would like to participate in a PUC mediation to try to resolve your dispute:

Your phone number(s) during business hours: \_\_\_\_\_

Dates & times you are available to mediate during the next 2 weeks:

|    |             |                                                  |
|----|-------------|--------------------------------------------------|
| #1 | Date: _____ | Time: _____ (i.e. 9-11am or any time in morning) |
| #2 | Date: _____ | Time: _____                                      |
| #3 | Date: _____ | Time: _____                                      |

Will anyone attend the mediation with you? If yes, please state the person's full name(s) and affiliation: (circle one) No / Yes \_\_\_\_\_

Briefly state the issue(s) you would like mediated. Please limit your statement to this space. The mediator may request additional information at a later time.

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Your Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

***If you would like to mediate, you must return this form within 5 business days to the PUC.*** You may send it to – Attn: April Woods, PUC Mediation Coordinator at any of the following:

PUC fax number is (303) 894-2532. The email address is: [dora\\_puc\\_complaints@state.co.us](mailto:dora_puc_complaints@state.co.us)

The mailing address is: Attn: April Woods, PUC Mediation Coordinator  
1560 Broadway #250 Denver, CO 80202

IF YOU DO NOT RETURN THIS FORM, THE PUC WILL ASSUME YOU DO **NOT** WANT TO  
MEDIATE THIS DISPUTE WITH THE UTILITY & YOUR HEARING WILL PROCEED WITH THE  
JUDGE.



**COLORADO**  
Department of  
Regulatory Agencies  
Public Utilities Commission



## *For Your Information*

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# HOW TO MEDIATE YOUR UTILITY DISPUTE

Have you tried to solve a utility company billing or service problem without success through the Public Utilities Commission (PUC) informal inquiry method? Or have you filed a formal complaint and are awaiting the formal proceedings?

If so, you may want to consider the PUC's mediation process. After reading this information, you will know if you want to use this method. You will also know more about the steps you should follow if you'd like to mediate your complaint.

## **WHAT IS MEDIATION?**

Merriam-Webster's dictionary defines mediation as an intervention between conflicting parties to promote reconciliation, settlement, or compromise.

## **WHY YOU MAY WANT TO CONSIDER MEDIATION**

Mediation is a process whereby a neutral third party, the mediator, assists the parties in reaching a mutually acceptable resolution to the dispute. The mediator does not have the authority to make a binding decision or provide legal advice. During the mediation process, the complainant and the utility are encouraged to work together to formulate their own agreement to resolve the problem(s).

The advantages of mediation are many. For example:

1. User Friendly - Mediation is informal. Legal representation is not required, and each party plays an equally significant role in determining the outcome.
2. Saves Time - Upon receipt of the mediation forms and agreement of both parties, a mediation conference can be held in a few days and the dispute may be resolved in a few hours.
3. Saves Money - PUC mediation is free to both parties and although a complainant may be represented by an attorney at either mediation or formal hearing, it is not required.
4. Flexibility - It creates an opportunity for a wider range of solutions and possible options to resolve your conflict.

To reach PUC Consumer Affairs:

1560 Broadway, Suite 250, Denver, CO 80202  
303-894-2070 (local); 1-800-456-0858 (toll-free)  
dora\_puc\_complaints@state.co.us

5. Private - Only the mediator, the parties and their representatives may be present at the mediation session(s).
6. Preservation of Good Will - Parties enhance the possibility of continuing a good business relationship.
7. Confidential - Information disclosed at mediation sessions may not be used as evidence in any formal complaint proceedings or at any other judicial proceedings.
8. Qualified Mediators - Mediators are PUC employees who are knowledgeable about utility/consumer issues and who have been trained in mediation.
9. Results - National statistics indicate that 82 percent of all cases submitted to mediation are settled. Both parties often come away from mediation feeling as if they have achieved their desired goals.

### **BASIC INFORMATION**

The mediation process is voluntary. Enclosed with this publication is a "Request for Mediation Form." If you wish to mediate your dispute, you must sign and return the enclosed form to the PUC within five (5) business days of the receipt of the form. It is very important that all of the questions on the form be completed. Upon completion, you may mail, fax or email the form to the PUC. The form lists the PUC Mediation Coordinator's contact information near the bottom of the page.

If both you and the utility return the forms agreeing to mediate, the PUC will assign a staff member to be your mediator, and you will be contacted to set up a mutually agreeable time.

If you or the utility does not return the form, mediation will not occur. If you have not filed a formal complaint, you may then do so if the PUC has jurisdiction over the issue. Feel free to contact the PUC and request the publication, "Filing a Formal Complaint" (P-3). If you have already filed a formal complaint, your complaint will proceed to hearing as scheduled.

### **INFORMATION ABOUT THE MEDIATION PROCESS**

If both you and the utility agree to mediate, the mediation process will begin. The PUC staff will contact you and the utility to schedule a mediation session at a location acceptable to both parties. Sometimes a mediation session can be conducted via conference call.

The mediator will not have any financial or personal interest in the result of the mediation. If the appointed mediator is unable to serve, the PUC will appoint another mediator.

You or the utility may be represented by someone of your choice. If you plan to have someone represent you at the mediation, please provide the mediator with the name, address and phone number of this person prior to the scheduled mediation session.

At the mediator's discretion, you and the utility may be asked to produce all the necessary information for the mediator to understand the issue. At the initial mediation session, you will be asked to sign a "Mediation Conditions Agreement."

During the session, the mediator may conduct joint and separate meetings with you and/or the utility. You should avoid drawing any conclusions based on the time the mediator spends with you or the utility. The mediator may be trying to explain your position or may be helping the other party evaluate his/her positions in a different light.

The mediator will work with the two parties to assist you in creating your own settlement to resolve the dispute. The settlement agreement cannot be forced or required from either party. The mediator does not have the authority to impose a settlement and cannot offer legal advice. The mediator may end the mediation when, in his/her judgment, further efforts will not resolve the dispute.

If the dispute is resolved during the session, the mediator will draft a settlement agreement to be signed by both parties. If this agreement were ever breached, the parties would have to refer the issue to the appropriate court.

The content of all mediation sessions and settlements are confidential, and are not to be disclosed to any other party and are not precedent setting. If a settlement is not reached, views or suggestions made in mediation cannot be introduced as evidence during any formal proceedings. There will not be any recorded or stenographic record of the mediation.