

Decision No. R25-0529-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25F-0250EG

RICK RIEGER,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION
CONTINUING HEARING,
ESTABLISHING PROCEDURES, AND
PROVIDING ADVISEMENTS**

Issued Date: July 22, 2025

I. STATEMENT AND SUMMARY

1. This Decision continues the August 25, 2025 evidentiary hearing in this matter to September 22, 2025; determines that hearing will be fully remote; establishes procedures relating to the hearing; provides information to facilitate the parties' participation in the hearing; provides the parties important advisements; and requires Complainant Rick Rieger to make one ore more filings as detailed herein by August 12, 2025.

II. PROCEDURAL HISTORY

2. On June 6, 2025, Complainant Rick Rieger ("Complainant") initiated this matter by filing the above-captioned Complaint ("Complaint") with the Colorado Public Utilities

Commission (“Commission”) against Public Service Company of Colorado (“Public Service” or “Respondent”).

3. On June 9, 2025, the Commission’s Director issued an Order to Satisfy or Answer (“Order to Satisfy”) requiring Public Service to satisfy or answer the Complaint within 20 days; scheduled an evidentiary hearing on the Complaint for August 25, 2025 via a Notice of Hearing (“Notice”); served the Complaint, Order to Satisfy and Notice on the parties; and provided Complainant procedural information.¹

4. During its weekly meeting held June 18, 2025, the Commission referred this matter for disposition to an administrative law judge (“ALJ”) by minute entry.

5. On June 30, 2025, Respondent filed its “Answer of Public Service Company of Colorado to Formal Complaint” (“Answer”).

III. FINDINGS AND CONCLUSIONS

A. Hearing

6. The timely-filed Answer disputes the Complaint’s allegations.² Because the Complaint is disputed and the parties have not otherwise indicated that they have reached an agreement resolving the Complaint, this matter must proceed to an evidentiary hearing. The ALJ notes that the Answer states that Public Service has attempted to reach Complainant to resolve the concerns in the Complaint.³ Should Complainant wish to resolve the Complaint without a hearing, he may informally discuss a resolution with Public Service, or request that the Commission mediate the parties’ dispute (a free service). Information on how to request mediation was mailed

¹ See “Documents to Complainant” filed June 9, 2025; Notice and Order to Satisfy filed June 9, 2025.

² See Answer at 2-5.

³ *Id.* at 2.

to Complainant on June 9, 2025, but for ease of reference, the same information and mediation request form is also included with this Decision as Attachment C.

7. Assuming the parties do not resolve their dispute, the matter must proceed to an evidentiary hearing. The Notice sets an evidentiary hearing for August 25, 2025 at 9:00 a.m.⁴ To allow the parties time to prepare for a hearing and Complainant additional time to address requirements discussed later in this Decision, the hearing is continued to September 22, 2025.

8. The hearing will be a fully remote hearing with all parties and witnesses appearing remotely by videoconference. A fully remote hearing provides parties and witnesses flexibility to appear from remote locations, which improves access, and creates opportunities for parties and witnesses to conserve resources (*e.g.*, time savings). The Commission has been holding remote evidentiary hearings for many years, which has allowed it to refine its processes to the point where parties with varying levels of experience and comfort with technology have been readily able to fully participate in hearings without difficulty. The hearing will use the web-hosted service, Zoom. Should the parties deem it necessary, they may contact Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal Zoom practice session.

9. Because the hearing requires remote participation, the parties must present all non-testimonial evidence⁵ in electronic format. Non-testimonial evidence is referred to as exhibits, and can come in numerous forms, such as documentation, printed text messages, video recordings, photographs, and the like. This Decision establishes procedures to help the parties prepare and present their exhibits electronically and to appear remotely. These procedures replicate, as

⁴ See Notice.

⁵ This is distinguished from witness testimony (*i.e.* testimonial evidence), which is a different form of evidence.

practicable, evidence presentation as it occurs when parties and witnesses are present in a hearing room.⁶

10. The Commission's Administrative Hearings Section uses box.com to receive and manage exhibits in this type of remote evidentiary hearing. To this end, it is the Commission's practice to email the parties instructions and links for box.com. Similarly, it is the Commission's practice to email the parties the information needed to join the Zoom hearing, which minimizes the potential that a non-participant will disrupt the hearing. As such, the parties must ensure that they have provided accurate email addresses to the Commission and must regularly check their email. The Complainant has not provided an email address and thus will be required to provide one by a date certain. Failing to do so will negatively impact Complainant's ability to participate in the hearing, including presenting evidence and joining the remote hearing via Zoom. Future decisions and filings, box.com information, and the Zoom information to join the hearing will be sent to the email address that Complainant provides.⁷

11. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A. Attachment B to this Decision includes vital information and requirements relating to presenting evidence electronically at the hearing, and thus, it is extremely important that all parties review and follow Attachment B's requirements.

12. In addition to requirements in Attachments A and B, the below ordering paragraphs include additional requirements to facilitate the evidentiary hearing.

⁶ For example, participating by videoconference allows parties and witnesses to view exhibits (*i.e.*, evidence), on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

⁷ See Rule 1205(a) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

B. Issues Relating to Legal Representation

13. The Complaint and the attachment thereto raise questions as to whether the Complaint is filed on behalf of an individual, (Complainant), or whether it is filed on behalf of Rieger Investments LLC (“Complainant’s Company”). The Complaint states that “the commercial properties are not being used.”⁸ The attachment to the Complaint, a billing statement from Public Service, appears to show Complainant’s Company as the service recipient or party responsible for paying for service, and does not otherwise reference Complainant.

14. Generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.⁹ There are several relevant exceptions to this. First, a non-attorney individual may represent his or her own interests in Commission proceedings.¹⁰ Second, an individual may appear on behalf of a business formally organized under the laws of a state after establishing the company’s eligibility to be represented by a non-attorney, and that the designated representative has authority to represent the company.¹¹ For a formally organized company to be represented by a non-attorney, all the below conditions must be met:

- The company must not have more than three owners;
- The amount in controversy must not exceed \$15,000; and
- The non-attorney individual seeking to represent the company must provide the Commission satisfactory evidence demonstrating his or her authority to represent the company in the proceeding.¹²

15. It is presumed that a corporation’s officers, a partnership’s partners, a limited partnership’s members, and persons authorized to manage a limited liability company have

⁸ See Complaint.

⁹ Rule 1201(a), 4 CCR 723-1.

¹⁰ Rule 1201(b)(I), 4 CCR 723-1.

¹¹ § 13-1-127, C.R.S.; Rule 1201(b)(II), 4 CCR 723-1.

¹² § 13-1-127(2) and (2.3)(c), C.R.S.; Rule 1201(b)(II), 4 CCR 723-1.

authority to represent the company in a proceeding.¹³ A written resolution from a company specifically authorizing the individual to represent the company's interests in the proceeding may also be relied upon as evidence of the individual's authority to represent the company.¹⁴

16. For the foregoing reasons and authorities, Complainant is required to make a filing clarifying whether the Complaint is filed on his behalf as an individual (which would require him to establish at hearing that he is personally entitled to relief), or whether it is filed on behalf of Complainant's Company. If it is filed on behalf of Complainant's Company, the filing must establish that Complainant's Company is eligible to be represented by an authorized non-attorney, consistent with the above legal authority, or counsel must enter an appearance on Complainant's Company's behalf. Continuing the hearing allows additional time to obtain counsel, if necessary.

17. The parties are on notice that if the Complaint is filed on behalf of Complainant's Company, the caption will be amended to reflect this.

C. Important Advisements

18. Complainant is on notice that he carries the burden of proof to establish by a preponderance of the evidence that his requested relief should be granted.¹⁵ Because Complainant has the burden of proof, he will be permitted to present his evidence first during the hearing. Public Service will be permitted to cross-examine any witnesses that Complainant presents. Once Complainant rests his direct case (*i.e.*, finishes presenting his evidence), Public Service will be given an opportunity to present evidence, and Complainant will be permitted to cross-examine any

¹³ § 13-1-127(2) and (2.3)(c), C.R.S.

¹⁴ § 13-1-127(3), C.R.S.

¹⁵ Rule 1500, 4 CCR 723-1. The preponderance standard requires the fact finder to determine whether the existence of a contested fact is more probable than its non-existence. *Swain v. Colorado Dept. of Revenue*, 717 P.2d 507 (Colo. App. 1985). The preponderance of the evidence standard requires substantial evidence, which is such evidence as a reasonable person's mind might accept as adequate to support a conclusion. *See, e.g., City of Boulder v. Pub. Utilis. Comm'n.*, 996 P.2d 1270, 1278 (Colo. 2000).

witnesses that Public Service presents. Both parties will be permitted to offer exhibits during the hearing; the parties should plan to confer with each other about whether they agree that each other's exhibits should be admitted into evidence.

19. All parties must be familiar with and follow the Commission's Rules of Practice and Procedure, 4 CCR 723-1, and the Commission's Rules Regulating Electric Utilities, 4 CCR 723-3. The parties may obtain a copy of these rules from the Commission in hard copy or on the Commission's website at <https://www.colorado.gov/pacific/dora/pucrules>.

20. The parties are on notice that all filings they make in this Proceeding *must be served* upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

21. The parties are on notice that failing to appear at the scheduled evidentiary hearing may result in the Commission granting the complete relief requested by the opposing party, including granting all relief sought in the Complaint, such relief as the Commission deems appropriate, or dismissing the Complaint.

22. The parties are encouraged to register for the Commission's free E-Filing System, accessible at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>. Registering for the E-Filing System allows parties to make filings and be served with filings in this Proceeding electronically through the E-Filing System. This allows parties to receive notice of filings almost immediately after they are filed.

IV. ORDER

A. It is Ordered That:

1. The August 25, 2025 hearing in this matter is continued to September 22, 2025, as set forth below. No hearing will be held on August 25, 2025.

2. A fully remote evidentiary hearing on the merits of the Complaint in this Proceeding is scheduled as follows:

DATE: September 22, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconference using Zoom

3. To minimize the potential that the 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 before the hearing, and participants in the hearing are prohibited from distributing that information to anyone not participating in the hearing.

4. On or by **5:00 p.m. on August 12, 2025**, Complainant Rick Rieger (“Complainant”) must make a filing in this Proceeding that: (a) provides a valid email address at which he may be served with box.com information, Zoom information, and decisions or filings in this Proceeding; and (b) clarifies whether the Complaint is filed on Complainant’s behalf or on behalf of Rieger Investments LLC (“Complainant’s Company”). If the Complaint is on behalf of Complainant’s Company, the same filing must establish that Complainant’s Company is eligible to be represented by a non-attorney by demonstrating that the Complainant’s Company does not have more than three owners, the amount in controversy does not exceed \$15,000, and that the non-attorney who will represent the Company has authority to represent Complainant’s Company

in this Proceeding consistent with the above legal authority; *or* Complainant must cause counsel to enter an appearance on behalf of Complainant’s Company (by the same deadline above). The required filing(s) must be received by the Commission by the above deadline.

5. **Hearing Exhibit Block Assignments.** To ensure a clear record, the parties must identify their exhibits using a unified numbering system for all their hearing exhibits. This means that the parties must physically mark their exhibits and electronically save their exhibits with the exhibit number as the document name, using exhibit numbers within their assigned exhibit number blocks. Complainant is assigned hearing exhibit numbers 100 to 199 and Respondent Public Service Company of Colorado is assigned hearing exhibit numbers 200 to 299.

6. Additional instructions on preparing exhibits are included in Attachment B to this Decision. Attachments A and B to this Decision are incorporated as if fully set forth. The parties must comply with all requirements in Attachments A and B.

7. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director