

Decision No. R23-0559-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0085TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6, TO IMPLEMENT HB 22-1314.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
ISSUING HEARING EXHIBIT 4**

Mailed Date: August 22, 2023

I. STATEMENT

A. Background

1. On February 22, 2023, the Colorado Public Utilities Commission (PUC or Commission) initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Commission's Rules Regulating Towing Carriers (Towing Rules), 4 *Code of Colorado Regulations* (CCR) 723-6.¹ The NOPR proposed changes to the aforementioned rules, described those changes in detail and the justification therefor, attached the proposed amended Rules in legislative (*i.e.*, strikeout/underline) format and in a clean version, established deadlines of March 24, 2023, and April 7, 2023, for initial comments and response comments concerning the proposed rules, respectively, and scheduled a remote public comment hearing for April 20, 2023, at 11:30 a.m. for oral comments regarding the proposed rules. The NOPR also referred this

¹ Decision No. C23-0118, issued Feb. 22, 2023.

proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. The ALJ held the remote public comment hearing as scheduled on Thursday, April 20, 2023, at 11:30 a.m. Participants in the hearing offered their comments concerning definitions in the proposed rules, suggested changes to the Towing Rules intended to bring clarity and cohesion to the Rules, and discussed the application of the proposed rules in the field.

3. Because additional amendments have been suggested to the proposed Towing Rules, the undersigned ALJ continued the public comment hearing and held two more public comment hearings, on May 30, 2023, and on July 25, 2023. A fourth public comment hearing is scheduled for Thursday, August 31, 2023, at 11:30 a.m.

4. In addition, interested persons have been afforded the opportunity to submit additional written comments after each public comment hearing. Based on written comments received thus far, including comments received after the July 25, 2023 public comment hearing, the undersigned ALJ proposes additional edits to the Towing Rules attached to the NOPR. These further edited proposed Towing Rules are intended to facilitate further discussion in this Proceeding and should not be considered final. Attachment A to this Interim Decision is a red-lined version of the proposed Towing Rules. Proposed changes to the Towing Rules are displayed in strikethrough format, proposed additions are underlined, and changes made since the July 25, 2023 public comment hearing are italicized. Attachment A will be utilized at the next public comment hearing, scheduled for August 31, 2023, and will be admitted into evidence at the next public comment hearing as Hearing Exhibit 4.

5. Interested persons are invited to provide additional written comments in response to Hearing Exhibit 4 by August 25, 2023, and may also provide verbal comments addressing

these additional proposed changes at the August 31, 2023 public comment hearing. Commenters are encouraged to offer proposed or alternate rule language, as necessary, with their comments.

II. **ORDER**

A. **It Is Ordered That:**

1. Further proposed amendments to the Commission's Rules Regulating Towing Carriers (Towing Rules), 4 *Code of Colorado Regulations* (CCR) 723-6 are filed herewith as Attachment A which will be utilized at the July 25, 2023, public comment hearing as Hearing Exhibit 4.

2. Any interested person interested in submitting written comments addressing these additional proposed changes to the Towing Rules must submit such comments by August 25, 2023.

3. The continued fully remote public comment hearing on the proposed revisions to the Towing Rules remains scheduled as follows:

DATE: **August 31, 2023**

TIME: **11:30 a.m.**

PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/>.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director