

Decision No. C23-0196-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22F-0381TO

KEVIN MCCLUSKY,

COMPLAINANT,

V.

TOWING DONE RIGHT LLC,

RESPONDENT.

**INTERIM COMMISSION DECISION GRANTING
REQUEST EXTENSION TO FILE TRANSCRIPT,
AND ESTABLISHING EXTENDED FILING DEADLINES
FOR EXCEPTIONS AND RESPONSE**

Mailed Date: March 22, 2023

Adopted Date: March 22, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 1, 2022, Complainant Kevin McClusky (Complainant or Mr. McClusky) filed a Complaint against Respondent Towing Done Right, LLC, formerly Towing Done Right, Inc. (Respondent or Towing Done Right). Mr. McClusky alleges that Towing Done Right wrongfully towed his vehicle and demands payment for inaccurate charges.

2. As pertinent to the decision here, after notice and hearing,¹ the assigned Administrative Law Judge (ALJ) issued Decision No. R23-0132 on February 24, 2023, granting the complaint, and ordering a refund (Recommended Decision). Pursuant to § 40-6-109.5, C.R.S., the deadline to file exceptions to the Recommended Decision was March 16, 2023. In addition, pursuant to §§ 40-6-113(3) and (4), C.R.S., any party seeking to reverse, modify, or annul a recommended decision must prepare and provide a transcript of the proceedings on or before the time the exceptions pleading is required. Upon timely request, the Commission may extend the time to file the required transcript² and exceptions.³

3. On March 16, 2023, Respondent provided in this proceeding “Initial Exceptions” and an “Unofficial Transcript” in addition to a Motion to Enlarge Time for Transcript and Exceptions (Motion). Through its Motion, Respondent requests additional time to file the transcript and exceptions with record support. The Motion requests the Commission increase the time by 30 days to provide the transcript but does not specify further filing deadlines specifically requested.

4. We find that limited extension may be permitted given the request made within the time to file exceptions. As requested, we permit the transcripts to be filed by 30 days from the Recommended Decision, *i.e.*, by March 27, 2023.⁴ While a requested date is not specified by the Respondent, we will permit a limited extension to file exceptions through April 3, 2023, such that the Respondent may provide citation to the transcript and record. Further, we clarify that

¹ The Recommended Decision provides further detail regarding the procedural background in this matter.

² § 40-6-113(2), C.R.S.

³ § 40-6-109(2), C.R.S.

⁴ The Motion is unclear in its specification of “by 30 days.” However, statutory complaint timelines provided by § 40-6-108, C.R.S. and the Commission’s consistent, statutorily required timelines, encourage, and require timely resolution. While extension is permitted here, the limited, half-page Motion provides no specific timelines or support to extend the matter further at this time.

concurrent with the extension to file exceptions, we response time to exceptions extends through April 24, 2023, to allow limited, corresponding additional time.⁵

II. ORDER

A. **It Is Ordered That:**

1. The Motion to Enlarge Time for Transcript and Exceptions filed on March 16, 2023, filed by Towing Done Right LLC, formerly Towing Done Right, Inc., is granted consistent with the discussion above, and remaining response time is waived.

2. The transcript may be filed by March 27, 2023.

3. Exceptions to Recommended Decision No. R23-0132, issued February 24, 2023, may be filed up to and including April 3, 2023.

4. Response time to any exceptions filed shall extend through April 24, 2023.

⁵ Response time is generally permitted for two weeks; however, with the additional extensions for both transcripts and exceptions, the Commission permits the corresponding extension on its own motion for response to be provided.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 22, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners