

Decision No. R23-0088

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0031TO

LISA SPRINGER,

COMPLAINANT,

V.

FRED'S TOWING, LLC,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING MOTION TO DISMISS COMPLAINT,
VACATING HEARING, AND CLOSING PROCEEDING**

Mailed Date: February 10, 2023

I. STATEMENT

A. Relevant Background

1. On January 12, 2023, Lisa Springer filed a Formal Complaint (Complaint) against Fred's Towing, LLC (Fred's Towing).

2. On January 17, 2023, the Commission scheduled the Complaint for an evidentiary hearing on March 28, 2023, starting at 9:00 a.m. On the same date, the Commission served the Complaint on Fred's Towing, and filed and served an Order Setting Hearing and Notice of Hearing, an Order to Answer or Satisfy, and other documents on the parties.

3. On January 25, 2023, the Commission referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

4. On January 30, 2023, Ms. Springer filed a document stating that she “does not wish to proceed with the formal complaint” and requesting that the Complaint be dismissed (Request).

B. Motion

5. Ms. Springer’s Request shall be construed as a Motion to Dismiss. Fred’s Towing has not responded to the Complaint to date. As a result, no prejudice will result to Fred’s Towing from dismissal of the Complaint. Accordingly, the Motion to Dismiss will be granted and the Complaint will be dismissed.

II. ORDER

A. The Commission Orders That:

1. The request to dismiss the Formal Complaint filed by the complainant on January 30, 2023, is construed as a Motion to Dismiss is granted.

2. The Formal Complaint filed on January 12, 2023, is dismissed.

3. The hearing scheduled for March 28, 2023, is vacated.

4. Proceeding No. 23F-0031TO is closed.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period authorized, or unless the decision is stayed by the Commission upon its own motion within 20 days after service, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(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, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director