

Decision No. R23-0354-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 3**

Mailed Date: May 25, 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 were suggested to the proposed Rules, the undersigned ALJ continued the public comment hearing and scheduled a second public comment hearing, to be held Tuesday, May 30, 2023, at 11:30 a.m.² In addition, interested persons were afforded the opportunity to submit additional written comments by May 12, 2023, and any replies to those comments by May 19, 2023.

4. Based on Participants' written comments received before the April 20, 2023 public comment hearing, verbal comments made during the April 20, 2023 public comment hearing, and the written comments received since the April 20, 2023 public comment hearing, the undersigned ALJ proposes 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, and changes made since the April 20, 2023 public comment hearing are highlighted in yellow. Attachment A will be utilized at the May 30, 2023, public comment hearing as Hearing Exhibit 3.

² Decision No. R23-0287-I, issued May 2, 2023.

5. Interested persons are invited to provide additional comment in response to Hearing Exhibit 3 at the May 30, 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 May 30, 2023 public comment hearing as Hearing Exhibit 3.

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

DATE: **May 30, 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/>.

3. 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