

Decision No. R24-0336

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0044TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
CLOSING PROCEEDING**

Mailed Date: May 17, 2024

I. STATEMENT

1. This proceeding concerns Civil Penalty Assessment Notice (CPAN) No. 138543 issued by Commission Staff on January 18, 2024, against Respondent Sergio Cornejo, doing business as MNS Towing, LLC (Respondent or MNS Towing). The CPAN assessed MNS Towing a total penalty of \$1,454.75 for one violation of Rule 6511(g), 4 *Code of Colorado Regulations* (CCR) 723-6, as more specifically listed in the CPAN.

2. By Decision No. R24-0295-I, issued May 6, 2024, a hybrid evidentiary hearing was scheduled in this matter for May 22, 2024, at 1:00 pm.

3. On May 15, 2024, the Unopposed Motion to Dismiss was filed by Trial Staff of the Public Utilities Commission Staff (Staff).

4. Staff states that, following issuance of the CPAN, Respondent refunded all fees or charges for the alleged unauthorized services to the Commission. Staff has hand delivered the refund to the owner of the towed vehicle.

5. As a result of the full payment of the refund and to avoid an unnecessary hearing, Staff moves to dismiss the allegation in CPAN No. 138543, vacate the hearing scheduled for May 22, 2024, and close this proceeding.

6. Staff has conferred with Respondent and he is not opposed to the motion.

7. Because this Motion is unopposed, Staff requests a waiver of the response time to this Motion under Commission Rule 1400(b).

8. Based upon good cause shown for the unopposed request, response time will be waived and the motion will be granted.

9. Pursuant to § 40-6-109, C.R.S., the ALJ hereby transmits to the Commission the record of this proceeding and a recommended decision.

II. ORDER

A. The Commission Orders That:

1. Response time to the Unopposed Motion to Dismiss filed by Trial Staff of the Public Utilities Commission Staff on May 15, 2024, is waived and the motion is granted.

2. CPAN No. 138543 is dismissed.

3. The hearing scheduled to commence in this matter on May 22, 2024, is vacated.

4. Proceeding No. 24G-0044TO 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 of time authorized, or unless the decision is stayed by the Commission upon its own motion, 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.



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Rebecca White

Administrative Law Judge