

Decision No. R24-0398-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0084TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
PROVIDING OPPORTUNITY FOR PARTIES TO FILE A
STATEMENT ADDRESSING THE PREFERENCE FOR A
REMOTE, HYBRID, OR IN-PERSON HEARING**

Mailed Date: June 11, 2024

I. STATEMENT

A. Procedural History

1. On February 20, 2024, the Colorado Public Utilities Commission (Commission) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 139039 (CPAN) against Sergio Cornejo doing business as MNS Towing LLC (MNS Towing) alleging 24 counts of violating of § 40-10.1-401(1)(a), C.R.S. on January 20, 22, 23, 24, and 25, and 23 counts of violating Commission Rule 6007(e)(II) on February 13, 2024. The CPAN states that the civil penalty assessed for the alleged violations is \$59,455, but that if MNS Towing pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$29,727. Finally, the CPAN states that, if the Commission does not receive payment within ten

days, the CPAN will convert into a Notice of Complaint to Appear and a hearing will be scheduled at which the Commission Staff will seek the “Total Amount” of \$59,455.¹ The CPAN also states that the Commission may order MNS Towing to cease and desist from violating statutes and Commission rules.²

2. The CPAN states that the Commission served the CPANs by U.S. certified mail on February 20, 2024.

3. On April 12, 2024, Trial Staff of the Commission entered its appearance in this proceeding.

4. MNS Towing has not paid any amount, much less the reduced civil penalty amount or the total civil penalty amount, of the CPAN.

5. On April 24, 2024, the Commission referred this proceeding to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

B. Hearing

6. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission’s hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

¹ CPAN Nos. 135021 and 135131 at 3.

² *Id.*

7. The parties will be given the opportunity to file a Statement Regarding Hearing identifying the filer's preference for an in-person, remote, or hybrid hearing. If a filer prefers an in-person hearing, the filer must identify its preferred location and provide an explanation of why the hearing should be conducted at the filer's preferred location. Any additional information supporting a request for a particular method of conducting the hearing (*e.g.*, remote, hybrid, or in-person) can be included in a Statement Regarding Hearing.

8. The deadline for the filing of the Statements Regarding Hearing will be **June 28, 2024**. The parties are on notice that the ALJ will retain discretion to change the method by which the hearing will be conducted (*e.g.*, remote, hybrid, or in-person) and/or the location of the hearing.

C. Additional Advisements

9. The parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties to be familiar with and to comply with these rules. The rules are available on the Commission's website <http://www.dora.colorado.gov/puc> and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. The deadline to file any Statement Regarding Hearing containing the information described above is **5:00 p.m. on June 28, 2024**.

2. This Decision is effective immediately.

(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 that reads 'Rebecca E. White'.

Rebecca E. White,
Director