

Decision No. R24-0481-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0134HHG

PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

CARLOS GUTIERREZ IN THEIR CAPACITY AS OWNER AND/OR OPERATOR OF
EXCURSION PROFESSIONAL MOVERS LLC,

RESPONDENT.

**INTERIM DECISION PROVIDING OPPORTUNITY FOR
PARTIES TO FILE A STATEMENT ADDRESSING THE
PREFERENCE FOR A REMOTE, HYBRID, OR IN-
PERSON HEARING**

Issued Date: July 9, 2024

I. STATEMENT

A. Procedural Background

1. On March 21, 2024, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 138839 (“CPAN”) against Carlos Gutierrez in his capacity as owner and/or operator of Excursion Professional Movers LLC (“Excursion Professional Movers”) alleging one violation of § 40-10.1-107(1), C.R.S. and one violation of § 40-10.1-502(1)(a), C.R.S. The CPAN states that the civil penalty assessed for the alleged violations occurring on February 21, 2024, is \$13,915, but that if Excursion Professional

Movers pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$6,957. 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 see the “Total Amount” of \$13,915.¹ The CPAN also states that the Commission may order Excursion Professional Movers to cease and desist from violating statutes and Commission rules.²

2. The CPAN states that it was personally served on Excursion Professional Movers on March 21, 2024.

3. On May 24, 2024, Trial Staff of the Commission (“Staff”) filed its Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing in this proceeding.

4. Excursion Professional Movers has not paid any amount, much less the reduced civil penalty amount or the total civil penalty amount, of the CPAN.

5. On June 5, 2024, the Commission referred this proceeding to an Administrative Law Judge (“ALJ”) by minute entry. 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

¹ CPAN No. 138839 at 3.

² *Id.*

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.

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 filing of the Statements Regarding Hearing will be **July 19, 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 July 19, 2024**.

2. The Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director