

Decision No. R24-0521-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0052TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

TOW-PROS LLC,

RESPONDENT.

**INTERIM DECISION
RESCHEDULING REMOTE HEARING**

Issued Date: July 22 ,2024

I. STATEMENT

1. This proceeding concerns Civil Penalty Assessment Notice (“CPAN”) No. 137427 issued by Commission Staff (“Staff”) on January 31, 2024, against Respondent Tow-Pros, LLC (“Respondent” or “Tow-Pros”). The CPAN assessed Tow-Pros a total penalty of \$4,111.25 for two violations of Rule 6509(a)(IV), and one violation of Rule 6509(a)(IX), Rule 6509(a)(X), Rule 6509(a)(VII), Rule 6509(a)(I), and Rule 6509(a)(VII) 4 *Code of Colorado Regulations* (“CCR”) 723-6, as more specifically listed in the CPAN.

2. The CPAN was personally served on January 31, 2024. A representative of Tow-Pros signed the CPAN acknowledging receipt on January 31, 2024.

3. On April 12, 2024, Trial Staff of the Commission (“Staff”) filed its Notice of Intervention as of Right and Entry of Appearance in this proceeding.

4. On April 24, 2024, the Commission referred this proceeding to an Administrative Law Judge by minute entry.

5. On May 28, 2024, by Decision No. R24-0355-I, a remote hearing was scheduled in the above captioned proceeding for July 16, 2024.

6. On June 28, 2024, Staff filed its Motion to Amend Procedural Schedule and Waive Response Time (“Motion to Amend Schedule”).

7. On July 3, 2024, by Decision No. R24-0475-I, the Motion to Amend Schedule was granted and the evidentiary hearing was rescheduled for July 30, 2024.

8. On July 16, 2024, Staff filed its Motion to Amend CPAN and Shorten Response Time (“Motion to Amend CPAN”).

II. MOTION TO AMEND CPAN

9. Staff states in the Motion to Amend the CPAN that on July 12, 2024, it was determined that there was a typographical error in the fifth alleged violation. Staff requests that the fifth alleged violation be amended to a violation of CCR 723-6-6509(a)(VI), which reads in relevant part:

(a) A towing carrier shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual tows, whether the motor vehicle is removed from private property or retrieved before removal (commonly known as a drop), and law enforcement-ordered tows. The tow record/invoice form shall contain the following information: [...] (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;

10. Staff states they have attempted, without success, to determine whether the Respondent objects to the Motion to Amend the CPAN.

11. Staff argues that the granting of the Motion to Amend the CPAN will not prejudice the Respondent.

12. Staff also asks that response time to the Motion to Amend be shortened since the hearing is scheduled for July 30, 2024.

III. CONCLUSION

13. Granting the Motion to Amend CPAN does not prejudice the Respondent.

14. Good cause is found to grant the Motion to Amend the CPAN and to waive response time.

IV. ORDER

A. It is Ordered That:

1. The Motion to Amend CPAN filed by the Trial Staff of the Commission on July 16, 2024, is granted.

2. Violation No. 5 in Civil Penalty Assessment Notice (“CPAN”) No. 137427 issued by Commission Staff (“Staff”) on January 31, 2024, against Respondent Tow-Pros, LLC, is amended with the discussion above.

3. Finding no prejudice by the granting of the Motion to Amend CPAN, response time to the Motion to Amend CPAN is waived.

4. The remote hearing in the above captioned proceeding remains scheduled as follows:

DATE: July 30, 2024

TIME: 9:00 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link to be provided to the participants by email.¹

¹ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All participants are encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director