

Decision No. R24-0860-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0314TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

MNS TOWING LLC,

RESPONDENT.

**INTERIM DECISION
SCHEDULING REMOTE PREHEARING CONFERENCE**

Issued Date: November 25, 2024

I. STATEMENT

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 (“Sergio Cornejo”) alleging 24 violations of § 40-10.1-401(1)(a), C.R.S. on January 20, 22, 23, 24, and 25, 2024, and 23 violations of 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. On July 20, 2024, the Commission filed CPAN No. 138328 against MNS Towing LLC (MNS Towing) alleging four violations of Commission rules and one violation of § 40-10.1-405(3)(b)(I), C.R.S., and penalties of \$3,478.75 or \$1,739.75 if paid within ten days.

3. On October 12, 2024, the Commission filed against Sergio Conejo: (a) CPAN No. 138903 alleging four violations of Commission rules and one violation of § 40-10.1-405(1)(c)(I), and penalties of \$2,846.25 or \$1,423.13 if paid within ten days; (b) CPAN No. 138978 alleging two violations of Commission rules and one violation of § 40-10.1-405(2)(a)(I), C.R.S., and penalties of \$1,897.50 or \$948.75 if paid within ten days; and (c) CPAN No. 139090 alleging four violations of Commission rules and one violation of § 40-10.1-405(3)(b)(I), C.R.S., and penalties of \$3,478.75 or \$1,739.75 if paid within ten days.

4. The Commission alleges that it served the CPANs by U.S. certified mail.

5. CPAN Nos. 139039, 138328, 138903, 138978, and 139090 have been assigned Proceeding Nos. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO, respectively. The undersigned Administrative Law Judge (“ALJ”) has been assigned to all of the foregoing proceedings. Trial Staff of the Commission (“Staff”) has entered its appearance in all of the proceedings.

¹ CPAN Nos. 135021 and 135131 at 3.

² *Id.*

6. Decision Nos. R24-0611-I and R24-0780-I scheduled hybrid hearings in Proceeding Nos. 24G-0084TO and 24G-0314TO on January 8-9, 2025 and February 5, 2025, respectively.³

II. REMOTE PREHEARING CONFERENCE

7. The ALJ believes a joint remote prehearing conference held in Proceeding Nos. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO is appropriate. Commission Rule 1402 provides that “[e]ither on its own motion or on the motion of a party, the Commission may consolidate proceedings where the issues are substantially similar and the rights of the parties will not be prejudiced.”⁴ Whether to grant consolidation is within the Commission’s discretion. At the remote prehearing conference, the parties must be prepared to discuss whether consolidation of the five proceedings pursuant to Commission Rule 1402 is appropriate, and how to schedule these proceedings, either individually or in a consolidated proceeding. The remote prehearing conference will take place on December 12, 2024 at 1:30 p.m.

8. Attachment A to this Decision provides information about how to use the Zoom platform for remotely participating in the remote prehearing conference. The parties must review Attachment A to this decision in preparation for the remote prehearing conference.

9. To minimize the potential that the video-conference will be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the remote prehearing conference, and the participants will be

³ Decision Nos. R24-0611-I and R24-0780-I issued on August 29, 2024 and October 28, 2024, respectively.

⁴ 4 *Code of Colorado Regulations* 723-1402.

prohibited from distributing that information to anyone not participating in the remote prehearing conference.

10. The Commission will hold an informal practice video-conference session if requested by any party to give the parties an additional opportunity to practice using Zoom before the remote prehearing conference. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us and stephanie.kunkel@state.co.us, to schedule an informal practice video-conference session. If an informal practice session is requested, the parties will receive an email with information and a link to participate in the informal practice session.

III. ADDITIONAL ADVISEMENTS

11. 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.

IV. ORDER

A. It Is Ordered That:

1. A remote prehearing conference is scheduled as follows:

DATE: December 12, 2024

TIME: 1:30 p.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from Commission Administrative Staff⁵

2. Nobody should appear in-person for the remote prehearing conference.
3. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the remote prehearing conference hearing. The parties must review Attachment A to this decision in preparation for the remote prehearing conference.
4. 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

⁵ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.