

Decision No. R24-0921-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0353EC

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

STYLE CAR SERVICE LLC,

RESPONDENT.

**INTERIM DECISION SCHEDULING HEARING AND
ESTABLISHING DEADLINES AND PROCEDURES**

Issued Date: December 17, 2024

I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision schedules a fully remote evidentiary hearing for February 11, 2025, establishes a procedural schedule to facilitate the hearing; and requires Style Car Service LLC (“Style Car” or “Respondent”) to have counsel enter an appearance on its behalf or make a filing establishing that it may be represented by a non-attorney by January 10, 2025, and failing that, orders that Respondent will not be permitted to present evidence or argument during and after the evidentiary hearing.

B. Procedural History¹

2. On August 20, 2024, Colorado Public Utilities Commission Trial Staff (“Staff”) initiated this matter by filing Civil Penalty Assessment Notice (“CPAN”) No. 140765 alleging that

¹ Only the procedural history necessary to understand this Decision is included.

Respondent violated §§ 40-10.1-101(1), and 40-10.1-302(1)(a), C.R.S. ² The CPAN alleges that based on these three violations, Respondent should be assessed a civil penalty of up to \$13,915.³ The CPAN states that it was personally served on Respondent on August 20, 2024.⁴

3. On October 3, 2024, Staff filed a “Notice of Intervention as of Right ... Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing” (“Intervention”).

4. On October 16, 2024 the Colorado Public Utilities Commission (“Commission”) referred this matter by minute entry to an administrative law judge (“ALJ”) for disposition.

5. On November 4, 2024, the ALJ acknowledged Staff as a party; required Respondent to have counsel enter an appearance on its behalf or make a filing establishing that it may be represented by a non-attorney by November 19, 2024; required the parties to confer on a procedural schedule; and directed Staff to file a proposed consensus procedural schedule on or by December 10, 2024.

6. Respondent failed to have counsel enter an appearance or make a filing establishing that it may be represented by a non-attorney by the established deadline, or to make any filing showing cause for this failure. In fact, to date, Respondent has made no filings in this Proceeding.

7. On December 10, 2024, Staff filed a Conferral Report and Proposed Procedural Schedule (“Motion”), as described below.

² CPAN at 1.

³ *Id.*

⁴ *Id.*

II. FINDINGS AND CONCLUSIONS

A. Procedural Schedule

8. The Motion states that Staff attempted to confer by email with Respondent as ordered three times, but that Respondent failed to respond.⁵ Staff proposes that the parties file exhibits, and exhibit and witness lists by February 5, 2025; that the evidentiary hearing be held remotely on February 12, 2025, or if that date is unavailable, on February 11, March 4, 5, or 6, 2025; and that the parties file Statements of Position (SOPs) by March 7, 2025 if requested.⁶

9. For the most part, the ALJ finds that the proposed schedule is reasonable, but must modify it by one day because February 12, 2025 is not available for a hearing.⁷ As such, the ALJ will schedule the hearing for February 11, 2025, and will make minor adjustments to the proposed procedural deadlines to account for this. The ALJ approves Staff's request to hold the hearing remotely, which provides ample flexibility for parties and witnesses and creates opportunities for parties and witnesses to conserve resources. As to SOPs, at this time, the ALJ cannot say with certainty whether SOPs will be necessary, and as a result, will establish a deadline to file SOPs.

10. Because the hearing will accommodate remote participation, all documentary evidence must be presented electronically, and all parties and witnesses will appear from remote locations through the web-hosted service Zoom platform. Attachment A hereto includes important technical information and requirements to facilitate remote hearing participation. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

⁵ Motion at 2.

⁶ *Id.* at 2-3.

⁷ To the extent necessary, the ALJ waives the remaining response time to the Motion. See Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

11. Attachment B to this Decision includes vital information and requirements relating to presenting evidence electronically at the hearing, and thus, it is extremely important that all parties review and follow Attachment B's requirements.

12. Because the hearing will accommodate remote participation, parties will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this Proceeding. As such, it is important that all parties ensure that the Commission has the correct email address for them.

13. All parties must be familiar with and follow the Commission's Rules of Practice and Procedure, 4 CCR 723-1, and the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. The parties may obtain a copy of these rules from the Commission in hard copy or on the Commission's website at <https://www.colorado.gov/pacific/dora/pucrules>.

B. Respondent's Representation

14. Decision No. R24-0800-I orders Respondent to either have counsel enter an appearance on its behalf or make a filing establishing that it may be represented by a non-attorney by November 19, 2024, but Respondent failed to do either.⁸ As a result, Respondent has failed to comply with Decision No. R24-0800-I. Likewise, although the November 19, 2024 deadline has long since elapsed, Respondent has still not complied with Decision No. R24-0800-I, nor has Respondent made any filing showing cause for its failure to comply with that Decision.

15. Respondent's failure to meet Decision No. R24-0800-I's requirements creates unnecessary uncertainty about how the scheduled evidentiary hearing will proceed. Indeed, as explained in Decision No. R24-0800-I, a party appearing before the Commission generally must be represented by an attorney authorized to practice law in Colorado or establish that a

⁸ Decision No. R24-0800-I (issued November 4, 2024).

non-attorney may appear on the party's behalf.⁹ Because Respondent has failed to have counsel enter an appearance on its behalf and has not established that it may be represented by a non-attorney, as of this Decision's issuance, there is no one authorized to represent Respondent in this proceeding. As long as no one is authorized to represent Respondent, Respondent cannot present evidence or argument in its defense.

16. Given that the hearing will not take place until February 11, 2025, Respondent will be given an additional opportunity to remedy its failure to comply Decision No. R24-0800-I. On or by January 10, 2025, Respondent must have counsel enter an appearance on its behalf or make a filing establishing that it may be represented by a non-attorney. To be eligible to be represented by a non-attorney, all the below conditions must be met:

- The company must not have more than three owners;
- The amount in controversy must not exceed \$15,000, exclusive of statutory penalties; and
- The non-attorney individual seeking to represent the company must provide the Commission with satisfactory evidence demonstrating that person's authority to represent the company in the proceeding.¹⁰

17. *Respondent is on notice* that if it fails to meet the above requirements, it will not be permitted to present evidence or argument during or after the hearing in this Proceeding.¹¹ This includes, but is not limited to: cross-examining Staff's witnesses, presenting witnesses, objecting to Staff's exhibits, presenting exhibits, and filing a SOP. In short, the ALJ will deem Respondent's failure to meet the above requirements as waiving its right to be represented in this Proceeding and to present evidence and argument on its behalf.

⁹ *Id.* at 2-3; Rule 1201(a) and (b)(II), 4 CCR 723-1. *See* § 13-1-127, C.R.S.

¹⁰ § 13-1-127(2) and (2.3), C.R.S.; Rule 1201(b)(II),

¹¹ *See* Rule 1201(a) and (b)(II), 4 CCR 723-1. *See* § 13-1-127, C.R.S.

III. ORDER

A. It is Ordered That:

1. **Deadline to Meet Legal Representation Requirements.** Style Car Service LLC (“Style Car” or “Respondent”), must either have counsel enter an appearance on its behalf, or make a filing that: (a) establishes it is eligible to be represented by a non-attorney, (b) identifies the non-attorney it wishes to represent it, and (c) establishes that the person identified is authorized to represent it here, consistent with legal standards discussed in ¶ 16 above and in Decision No. R24-0800-I (issued November 4, 2024) **on or by 5:00 p.m. on January 10, 2025.** *If Style Car fails to comply with these requirements, it will not be permitted to present evidence or argument during or after the hearing in this Proceeding.*

2. A fully remote evidentiary hearing on the merits of Civil Penalty Assessment Notice No. 140765 in this Proceeding is scheduled as follows:

DATE: February 11, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconference using Zoom

3. To minimize the potential that the hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the parties by email before the hearing, and participants in the hearing are prohibited from distributing that information to anyone not participating in the hearing.

4. **Hearing Procedures.** Because the hearing will accommodate remote participation by videoconference, all evidence must be presented electronically. This means that all parties must prepare any documentary evidence (exhibits) for electronic presentation. In addition to the below requirements, all participants in the hearing must comply with the requirements in Attachments A and B, which are incorporated herein as if fully set forth. Those Attachments include critical information and requirements relating to participating in the hearing and preparing electronic evidence for introduction at the hearing.

5. **Deadline to File Exhibits and Exhibit and Witness Lists.** The parties must file and serve any exhibits they intend to offer into evidence at the hearing, and exhibit and witness lists **on or by 5:00 p.m. on January 28, 2025**. Failure to file and serve exhibits may result in a decision rejecting such exhibits. Exhibit lists must identify the hearing exhibit number and the full substantive title of each hearing exhibit the party intends to offer into evidence during the hearing. Any party may offer any exhibit sponsored by another party and is not required to include such an exhibit on their own exhibit list. The parties are only required to prefile and serve exhibits that they intend to offer into evidence during the evidentiary hearing. The parties may offer each other's exhibits into evidence without filing them or listing them on their own exhibit lists. Nothing in this Decision requires the parties to prefile exhibits that may be used solely to impeach a witness's testimony, to refresh a witness's recollection, or on rebuttal. Except for a representative of Style Car, witness lists must briefly describe the anticipated testimony for each witness that may be called and the witnesses' contact information.¹²

¹² Style Car need not file a witness list if it intends to only call a single representative with authority to testify on its behalf (such as its members or officers). Indeed, it is reasonably foreseeable that Respondent may wish to call an officer or other authorized representative to testify on its behalf, and thus disclosure via a witness list is unnecessary. This does not in any way alleviate Style Car from meeting the requirements in ordering paragraph 1 above. As explained, if Style Car fails to do so, it will not be permitted to present evidence (including witnesses) or argument on its behalf during or after the hearing.

6. **Deadline to File Statements of Position.** The parties must file and serve their Statements of Position on or by 5:00 p.m. on February 25, 2025.

7. **Hearing Exhibit Block Assignments.** To ensure a clear record, the parties must use a unified numbering system for all hearing exhibits that they offer into evidence. To this end, Colorado Public Utilities Commission Trial Staff (“Staff”) is assigned hearing exhibit numbers 100 to 199 and Respondent is assigned hearing exhibit numbers 200-299. Additional requirements and instructions on how to mark and prepare exhibits are included in Attachment B to this Decision.

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director