

Decision No. R25-0119-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0535TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

EA TOWING, INC.,

RESPONDENT.

**INTERIM DECISION
ADOPTING PROCEDURAL SCHEDULE**

Issued Date: March 17, 2025

I. STATEMENT

1. This proceeding concerns Civil Penalty Assessment Notice (“CPAN”) No. 142401 issued by Commission Staff (“Staff”) on December 2, 2024, against Respondent EA Towing (“Respondent” or “EA Towing”). The CPAN assessed EA Towing a total penalty of \$4,053.75 for 12 violations of rules contained in 4 *Code of Colorado Regulations* (CCR) 723-6, and Colorado Revised Statutes. The violations are specifically listed in the CPAN.

2. The CPAN indicates that it was served by certified mail on December 9, 2024, to the Respondent.

3. On January 8, 2025, the Commission referred this proceeding by minute entry to an Administrative Law Judge.

4. On January 15, 2025, Trial Staff of the Commission (“Staff”) filed its Notice of Intervention as of Right and Entry of Appearance in this proceeding.

5. On January 22, 2025, by Decision No. R25-0036-I, a prehearing conference was scheduled for February 13, 2025.

II. PROCEDURAL SCHEDULE

6. At the prehearing conference the parties agreed to the following procedural schedule:

On or before **April 8, 2025**, Staff is ordered to file and serve on EA Towing: (a) a list that identifies the witnesses Staff intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Staff will present at the hearing.

On or before **April 15, 2025**, EA Towing is ordered to file and serve on Staff: (a) a list that identifies the witnesses EA Towing intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits EA Towing will present at the hearing.

7. An evidentiary hearing shall be held on April 22, 2025, commencing at 9:00 am.

8. The undersigned ALJ will decide after any evidentiary hearing if statements of position shall be necessary.

9. As referenced in this Decision, serving a party with any document (“*e.g.*, witness and exhibit lists and exhibits”) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the

Commission's Rules of Practice and Procedure.¹ The Commission's Rules ("including Rule 1205") are available on the Commission's website and in hard copy from the Commission.

10. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party ("*e.g.*, the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date").²

A. Unified Numbering System for Hearing Exhibits

11. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1.

12. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

13. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

14. Staff is assigned hearing exhibit numbers 100 to 199; and

15. EA Towing is assigned hearing exhibit numbers 200 to 299.

¹ 4 CCR 723-1.

² See Rule 1205(e), 4 CCR 723-1.

B. Additional Procedural Notices and Advisements

16. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

17. Additional procedural requirements may be addressed in future Interim Decisions.

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

19. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interest.

20. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

21. The parties are on notice that: (a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required; (b) failure to provide an accurate description of the anticipated testimony of a witness may also result in an order prohibiting such witness from testifying; and (c) any exhibit may not be received in evidence, except in rebuttal, unless filed and served as required.

C. Informational Video Conference Practice Session

22. The ALJ will hold an informal practice video conference session if requested by any Party to give the Parties an additional opportunity to practice using Zoom.

23. The Parties may contact the Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal practice video conference session.

24. If the Parties request a practice video conference, they will receive information and a link to participate in the informal practice session by email.

D. Additional Advisements

25. 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 (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

III. ORDER

A. It is Ordered That:

1. A remote evidentiary hearing is scheduled as follows:

DATE: April 22, 2025

TIME: 9:00 a.m.

PLACE: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge³

2. No one should appear in-person for the remote prehearing conference or evidentiary hearing.

3. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

³ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. The parties are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

4. All participants must comply with the requirements in Attachment A and B to this Decision, which is incorporated into this Decision.
5. The Parties shall be held to the advisements in this Decision.
6. 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