

Decision No. R25-0679-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NOs. 25G-0336TO, 25G-0337TO, & 25G-0338TO

PROCEEDING NO. 25G-0336TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

v.

SWFT TOWING LLC,

RESPONDENT.

PROCEEDING NO. 25G-0337TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

v.

SWFT TOWING LLC,

RESPONDENT.

PROCEEDING NO. 25G-0338TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

v.

SWFT TOWING LLC,

RESPONDENT.

**INTERIM DECISION CONSOLIDATING PROCEEDINGS,
ESTABLISHING PROCEDURES,
AND SCHEDULING HEARING**

Issued Date: September 24, 2025

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Proceeding No. 25G-0336TO concerns Civil Penalty Assessment Notice (“CPAN”) No. 144868 issued by Colorado Public Utilities Commission (“Commission”) Staff (“Staff”) on August 12, 2025 to Respondent Swift Towing LLC (“Swift” or “Respondent”). The CPAN assessed a total penalty of \$2,213.75, inclusive of any surcharge, for five alleged violations of the Commission’s Transportation Rules.¹

2. Proceeding No. 25G-0337TO concerns CPAN No. 144626 issued by Staff on August 12, 2025 to Respondent. The CPAN assessed a total penalty of \$2,530, inclusive of any surcharge, for seven alleged violations of the Commission’s Transportation Rules.²

3. Proceeding No. 25G-0338TO concerns CPAN No. 144762 issued by Staff on August 12, 2025 to Respondent. The CPAN assessed a total penalty of \$1,265, inclusive of any surcharge, for two alleged violations of the Commission’s Transportation Rules.³

4. On September 3, 2025, the Commission referred Proceeding Nos. 25G-0336TO, 25G-0337TO, and 25G-0338TO by minute entry to an administrative law judge (“ALJ”) for disposition.

5. Commission Rule 1402 of the Rules of Practice and Procedure, 4 CCR 723-1, allows the Commission, upon its own initiative, to consolidate proceedings where the issues are substantially similar and the rights of the parties will not be prejudiced.

¹ Found at 4 *Colorado Code of Regulations* (“CCR”) 723-6.

² 4 CCR 723-6.

³ 4 CCR 723-6.

6. Here, Proceeding Nos. 25G-0336TO, 25G-0337TO, and 25G-0338TO all concern Respondent and its alleged rule violations.⁴ All alleged violations occurred in roughly the same timeframe (June 2025 – July 2025).⁵ In addition, all alleged violations are of the Commission’s Transportation Rules.⁶

7. For the above reasons, the ALJ finds that consolidating these proceedings will promote judicial economy and result in more efficient use of resources by all concerned. Accordingly, the ALJ finds that consolidating these proceedings for hearing purposes will not prejudice any party.

II. REMOTE HEARING

8. Based on the flexibility it affords the parties and their witnesses, the evidentiary hearing in this matter will be held in a remote format. A remote hearing is where the parties and ALJ appear remotely. The hearing will be scheduled for November 13, 2025 at 10:00 a.m. as ordered below. A webcast of the proceedings will be available to the public through the Commission’s website.

9. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

10. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video conference allows parties and witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

⁴ See CPAN Nos. 144868, 144626, and 144762.

⁵ *Id.*

⁶ *Id.*

11. The remote evidentiary hearing will be conducted via video conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the remote 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 approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

12. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this proceeding. Given that the hearing will require remote participation by video conference, exhibits must be presented electronically.

13. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of evidentiary hearing.⁷ As such, it is essential that the parties ensure they can access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

14. 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, regardless of content, before uploading the exhibits to the party's

⁷ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

15. 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.

16. 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:

- Staff is assigned hearing exhibit numbers 100 to 199; and
- Respondent is assigned hearing exhibit numbers 200 to 399.

III. ADVISEMENTS

17. The ALJ will retain the discretion to change the method by which the hearing will be conducted.

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

19. This proceeding is governed by the Rules of Practice and Procedure found at 4 *Colorado Code of Regulation* 723-1. The ALJ expects the Parties comply with these rules. The rules are available on the Commission's website at <http://puc.colorado.gov/pucrules>, and in hard copy from the Commission.

20. A Party's failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including the assessment of penalties against Respondent.

21. 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 and box.com before the hearing.

22. 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 videoconference session.

23. The Parties will receive information and a link to participate in the informal practice session by email.

IV. **ORDER**

It is Ordered That:

1. Proceeding Nos. 25G-0336TO, 25G-0337TO, and 25G-0338TO are consolidated. Proceeding No. 25G-0336TO is the primary proceeding.

2. Parties must list all proceeding numbers and captions in the consolidated proceeding on all future filings (as on this Decision). The primary proceeding number stated above (25G-0036TO) shall appear first on the caption.

3. A remote hearing is scheduled as follows:

DATE: November 13, 2025

TIME: 10:00 a.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge or Commission Staff⁸

⁸ 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>.

4. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties must use a unified numbering system for all hearing exhibits. Public Utilities Commission Staff is assigned hearing exhibit numbers 100-199 and Respondent Swift Towing LLC is assigned hearing exhibit numbers 200-399.

5. 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.

6. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

7. The parties will be held to the advisements in this Decision.

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

