

Decision No. R04-0340-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-061EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

LAWRENCE TORREZ, D/B/A ABSOLUTELY DEVINE LIMOUSINES,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION TO SUBSTITUTE WITNESS, IN
PART**

Mailed Date: April 1, 2004

I. STATEMENT

1. The captioned proceeding was initiated on February 5, 2004, when the Staff of the Colorado Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice No. 28402 to the Respondent, Lawrence Torrez, doing business as Absolutely Devine Limousines (Torrez).

2. On March 1, 2004, Staff filed a Motion for Presentation of Testimony by Telephone and for Partial Waiver of C.R.C.P. Rule 43(i) (Motion). The Motion requested that Ms. Donna Fink, a representative of the American and Foreign Insurance Company (American/Foreign) be allowed to testify via telephone. Response time to the Motion was shortened and it was ultimately granted. *See*, Decision Nos. R04-0214-I and R04-0260-I.

3. On March 12, 2004, Staff filed a Motion to Substitute Witness and for Waiver of Response Time (Motion to Substitute). The Motion to Substitute indicates that Ms. Fink is no longer the American/Foreign representative qualified to testify concerning the matter addressed in the Motion. Therefore, Staff requests that another American/Foreign representative, whose identity will be made known at hearing, be allowed to testify via telephone.

4. That portion of the Motion to Substitute that requested a waiver of response time was denied and Torrez was given until March 26, 2004, to submit any desired response. *See*, Decision No. R04-0268-I. That decision indicated that Torrez' failure to do so would be deemed a confession of the Motion to Substitute. A review of the Commission's records indicates that Torrez has not filed a response.

5. The Motion to Substitute will be granted, in part. Since Ms. Fink is no longer the American/Foreign representative qualified to testify concerning the matter addressed in the Motion, another representative from that company will be allowed to testify via telephone. Staff shall, however, provide written notice to Torrez of the identity of the substitute witness at least three business days prior to hearing or, in this case, on or before April 9, 2004.

II. ORDER

A. It Is Ordered That:

1. The Motion to Substitute Witness submitted by the Staff of the Colorado Public Utilities Commission is granted, in part, consistent with the above discussion.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge