

Decision No. R04-0418-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 FOR CONTINUANCE
AND RE-SCHEDULING HEARING**

Mailed Date: April 23, 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. The matter was originally scheduled for hearing on March 16, 2004, but the hearing was continued at Torrez' request in order to afford him time to retain legal counsel. *See*, Decision No. R04-0268-I. Although that decision provided that counsel so retained should formally enter his/her appearance in this matter on or before March 23, 2004, the Commission's records reveal that no legal counsel entered their appearance on Torrez' behalf on or before that

date. Accordingly, the matter was re-scheduled for hearing on April 14, 2004. *See*, Decision No. R04-0304-I.

3. On the afternoon of April 12, 2004, the undersigned administrative law judge (ALJ) received a telephone message from Torrez advising that the recent death of a member of his wife's family residing out-of-state would require him to depart the area immediately and that, as a result, he would be unavailable for the April 14, 2004, hearing. This effectively constituted a request that the hearing be continued.¹

4. A forthwith hearing was held via telephone conference call in connection with Torrez' continuance request on the morning of April 13, 2004. Staff appeared through its counsel and Torrez appeared *pro se*. As grounds for his request, Torrez stated that a member of his wife's family had recently died; that this would require him and his family to depart the area immediately in order to travel via motor vehicle to the State of Florida in order to attend the deceased's funeral on April 17, 2004; that, as a result, he would be unavailable for a hearing on April 14, 2004; and that the family responsibilities imposed upon his wife by this circumstance would cause him to be absent from Colorado for a period of two to three weeks.² He requested that the April 14, 2004, hearing be vacated and that the matter be re-scheduled for hearing sometime after May 4, 2004.³

¹ Torrez is advised that any future motions submitted in this matter must be in writing and properly served on Staff's legal counsel. *See*, Rules 5 and 22 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1-4 and 4 CCR 723-1-22.

² During the course of the hearing, Torrez expressed concern that he might not receive pleadings filed or Orders issued in this matter during his absence (*i.e.*, from April 14, 2004 through May 4, 2004) if they were served upon him at the mailing address previously provided to the Commission. He requested, therefore, that a courtesy copy of such pleadings/Orders be forwarded to him via e-mail at lt_torrez2000@yahoo.com. Both the ALJ and Staff's counsel agreed to do so.

³ In this regard, Torrez specifically advised that he would be available for hearing on any business day after May 4, 2004.

5. Staff opposed Torrez' continuance request. It pointed out that the matter had already been continued once at his request and that the basis for that request (to obtain legal counsel) had been unfulfilled. Staff indicated that it and its three witnesses were fully prepared for the hearing to commence on April 14, 2004. Staff expressed concern that delaying the hearing would place the public at increased risk on the basis of its contention that Torrez continues to provide for-hire transportation services without maintaining the liability insurance coverage mandated by Commission rules. Staff's counsel also indicated that granting the continuance request might prevent the hearing from being re-scheduled until late June due to a lengthy leave of absence he has planned for May.

6. At the conclusion of the April 13, 2004, hearing, the ALJ orally granted Torrez' continuance request. The ALJ is sympathetic to Staff's concerns and has some question as to the veracity of the circumstances underlying this second requested continuance. However, given their emergent nature and the ALJ's inability to independently confirm their validity on short notice, they will be accepted as true and, as such, warrant the relief requested. Therefore, the April 14, 2004, hearing will be formally vacated and the matter will be re-scheduled for hearing on June 16, 2004.⁴ No further requests of Torrez to continue this matter will be granted.

II. ORDER

A. It Is Ordered That:

1. The hearing of this matter scheduled for April 14, 2004, is vacated.

⁴ By pleading dated April 16, 2004, Staff advised that it is available for a re-scheduled hearing on that date. As indicated above, Torrez has already indicated that he is available for a re-scheduled hearing on this date as well.

2. This matter is re-scheduled for hearing as follows:

DATE: June 16, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2
Denver, Colorado

3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge