

Decision No. R16-0862

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 16G-0346HHG

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

FORWARD MOTION MOVERS & CO.,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
ASSESSING CIVIL PENALTY AND
ISSUING CEASE AND DESIST ORDER**

Mailed Date: September 19, 2016

I. STATEMENT

1. This docket concerns Civil Penalty Assessment Notice (CPAN) No. 95776 issued by the Staff of the Public Utilities Commission (Staff) on July 19, 2010 against Respondent, Forward Motion Movers & Co. (Respondent or Forward Motion Movers). The CPAN cites two separate violations of Colorado law committed in Denver, Colorado, on April 28, 2016: (1) that Respondent violated § 40-10.1-107(1), C.R.S. by its “Failure to maintain and file evidence of financial responsibility in sums as required by the Public Utilities Commission;” and (2) that Respondent violated § 40-10.1-502(1)(a), C.R.S. by “Operating and/or offering to operate as a

mover¹ in intrastate commerce without first having obtained a permit from the Commission.” For the first cited violation, the CPAN assessed a civil penalty of \$11,000.00, plus an additional 15 percent surcharge,² for a total of \$12,650.00. For the second cited violation, the CPAN assessed a civil penalty of \$1100, plus an additional 15 percent surcharge, for a total of \$1,265. The total civil penalties assessed in the CPAN are \$13,915.00, including the additional 15 percent surcharges. (Hearing Exhibit 8, page 1.)

2. On May 10, 2016, Brian K. Chesher of the Transportation Staff served the CPAN by personal service (i.e., by hand-delivery) on a person, Kenneth R. Hopkins, identified to Mr. Chesher as the Respondent. (Hearing Exhibit 9.) On May 10, 2016, by signing the Acknowledgement of Receipt of Notice, Mr. Hopkins acknowledged that Respondent had received the CPAN. (Hearing Exhibit 8, page 1.)

3. On June 1, 2016, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

4. By Decision No. R16-0679-I (mailed on July 20, 2016), a procedural schedule was adopted, and the hearing in this matter was set for September 13, 2016 at 9:00 a.m. at the Commission.

5. The adopted procedural schedule required in pertinent part that:

2. No later than August 1, 2016, Litigation Staff of the Commission (Staff) must file its list of witnesses and copies of the exhibits that it will present at hearing.

¹ Rule 6601(e) of the Rules Regulating Transportation by Motor Carrier, 4 *Code of Colorado Regulations* (CCR) 723-6 (2014), defines a mover as “a motor carrier that provides the transportation or shipment of household goods.”

² See § 24-34-108, C.R.S., which authorizes the Executive Director of the Department of Regulatory Agencies to impose a 15 percent surcharge on all fines, including civil penalty assessments, collected pursuant to Title 40, C.R.S., which are paid into the Consumer Outreach and Education cash fund.

3. No later than August 22, 2016, the Respondent, Forward Motion Movers & Co., must file its list of witnesses and copies of the exhibits that it will present at hearing.

Decision No. R16-0679-I, Ordering Paragraphs 2 and 3 at 4.

6. Decision No. R16-0679-I also admonished the parties that:

Parties are advised that no witness will be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served in accordance with the procedural schedule. **Parties are advised further** that no exhibit will be received in evidence, except in rebuttal, unless filed and served in accordance with the procedural schedule.

Id., Paragraph 6 at 3 (emphasis in the original).

7. On July 20, 2016, the Commission served a true and correct copy of Decision No. R16-0679-I on Forward Motion Movers, by U.S. mail, at 9808 East Mexico Avenue, Apartment 1112, Denver, CO 80247, Respondent's address on file with the Commission.³ (Hearing Exhibit 10; *see* Hearing Exhibit 2, page 1.)

8. At the assigned time and place, the undersigned ALJ called the matter for hearing. Staff appeared through counsel. Respondent failed to appear for the hearing, either in person or by counsel. Hearing Exhibits 1 through 9 were identified, offered, and admitted into evidence. The ALJ, *sua sponte*, took administrative notice of Hearing Exhibit 10, the Certificate of Service for Decision No. R16-0679-I in the Commission's files. Messrs. Brian K. Chesher and Anthony Cummings, Lead Criminal Investigators in the Transportation's Section, testified for Staff in support of the allegations contained in CPAN No. 95776.

9. As relief, Staff seeks assessment of the maximum civil penalties against Forward Motion Movers, in the total amount of \$13,915.00, including 15 percent in surcharges. Staff also

³ Rule 6013 of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6, provides: "Notice sent to the motor carrier's address on file with the Commission shall constitute prima facie evidence that the motor carrier received the notice."

seeks an order that Respondent cease and desist from operating or offering to operate as an intrastate household goods mover in Colorado without a valid permit issued by the Commission.

10. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding and recommends that the Commission enter the following order.

II. FINDINGS OF FACT

11. Brian K. Chesher is a Lead Criminal Investigator in the Commission's Transportation Section. As part of his duties, he investigates complaints regarding violations of Commission rules and Colorado statutes.

12. Kenneth R. Hopkins is the owner and founder of Forward Motion Movers. He is also its designated agent for service of Commission notices, orders and process. (Hearing Exhibit 2, page 2.)

13. Forward Motion Movers is a general partnership. Its physical address on file with the Commission is 9808 East Mexico Avenue, Apartment 1112, Denver, CO 80247 and its telephone number is 303-416-5465. (*See* Hearing Exhibit 2, page 1.) Mr. Hopkins' mailing address is the same as the physical address of Forward Motion Movers. (*Id.*, page 2.)

14. Mr. Chesher's first investigation of Forward Motion Movers occurred in August 2015, prompted by a consumer complaint over an invoice from Forward Motion Movers. In the course of his investigation, Mr. Chesher found that Forward Motion Movers had no valid permit issued by the Commission. In a telephone conversation on August 27, 2015, Mr. Chesher advised Mr. Hopkins of the requirements that Forward Motion Movers needed to have a permit to operate as an intrastate mover in Colorado, as well as insurance for vehicle liability, cargo insurance and general liability insurance. Mr. Chesher issued the first Violation Warning Letter

to Mr. Hopkins on the same date, advising him that Respondent was “operating or offering to operate as a household goods (HHG) mover in the state of Colorado without proper authorization or permit from the Public Utilities Commission (PUC)” in violation of § 40-10.1-502(1)(a), C.R.S., and had failed to maintain and file evidence of financial responsibility (insurance) with the Commission, in violation of Rule 6007, 4 CCR 723-6, and § 40-10.1-502(1)(a), C.R.S. The Violation Warning Letter also admonished Respondent that: “You must immediately cease operating and offering such [household goods moving (HHG)] services without an active PUC HHG permit.” (Hearing Exhibit 1, pages 2-3.) After attempting to serve the first Violation Warning Letter by email and certified U.S. mail, Mr. Chesher hand-delivered the Violation Warning Letter to Mr. Hopkins’ wife at his residence on September 18, 2015.

15. On January 6, 2016, as the owner and founder of Forward Motion Movers, Mr. Hopkins filed an application with the Commission for an annual Household Goods Permit. (Hearing Exhibit 2.)

16. On January 6, 2016, the Commission’s Customer Care Unit sent a letter to Forward Motion Movers, advising that its application was incomplete because its insurance company had failed to submit the following proof of insurance: (1) a Colorado General Liability certificate (Form GL); (2) a Liability Insurance certificate (NARUC Form E); and (3) a Cargo Insurance certificate (NARUC Form H). This deficiency letter also informed Respondent that if the application was not completed within thirty days, it would be dismissed, and that: “**The mere filing of this application does not give you the authority to start transporting.**” (Hearing Exhibit 3; emphasis in the original.)

17. Forward Motion Movers never submitted the proper proof of insurance, and its application was dismissed as incomplete on or about March 1, 2016. (Hearing Exhibit 5.) As of

the date of the hearing, Respondent had not filed a new application for an annual Colorado Household Goods Permit.

18. A second consumer complaint, received by the Commission on November 25, 2015, alleged that Mr. Hopkins had been advertising on web-sites. On December 12, 2015 and on January 26, 2016, Mr. Chesher spoke with Mr. Hopkins by telephone and advised him again of the HHG permit and proof of insurance requirements. In the January 26, 2016 conversation, Mr. Chesher also advised Mr. Hopkins that the only thing missing from his pending HHG permit application was the evidence of financial responsibility. Mr. Hopkins replied in an email that he was “working towards getting everything lined up ... Soon!” (Hearing Exhibit 4, page 1.)

19. On January 26, 2016, Mr. Chesher issued a second Violation Warning Letter to Respondent stating that on its own web-site and on social media, such as Groupon and Living Social, Forward Motion Movers was advertising for full service household goods moves without a valid Commission permit. The second Violation Warning Letter contained the same advisement about the permitting and financial responsibility requirements and admonishment not to operate or to offer intrastate moving services as was set forth in the first Violation Warning Letter, described in Paragraph No. 14 of this Decision. (Hearing Exhibit 4, pages 2-3.)

20. In March of 2016, Mr. Chesher received a third consumer complaint that Forward Motion Movers was operating without a permit as a household goods mover in the State of Colorado and was advertising on social media and on its web-site. Mr. Chesher investigated whether Respondent was placing advertisements on the internet for moving services.

21. Hearing Exhibit 6 is a screen shot of Forward Motion Movers’ web-site, taken on March 16, 2016. It advertises moving services offered by Forward Motion Movers and includes the company’s contact telephone number.

22. Hearing Exhibit 7 contains five screen shots of advertisements for Forward Motion Movers' on social media web-sites for Groupon and Living Social, taken in December 2015. Mr. Chesher's investigation on April 28, 2016 found identical advertisements on the Living Social web-site, but none on Groupon. These advertisements demonstrate that Forward Motion Movers was offering intrastate household goods moving services to the public in Colorado.

23. Mr. Cummings is also a Lead Criminal Investigator in the Transportation Section. He assisted Mr. Chesher in his investigation of Forward Motion Movers. On April 28, 2016, Mr. Cummings called a telephone number provided by Mr. Chesher, and a person identifying himself as "Ken" answered. Mr. Cummings asked for a quote to move a small household from Boulder to Louisville, in Boulder County, Colorado. Ken responded with a detailed estimate for performing household goods moving services: \$155.00 for two movers for approximately three to four hours; the first 20 miles would be free; and travel over 25 miles would be \$1.99 per mile.

III. APPLICABLE LAW

24. Section 40-10.1-502(1)(a), C.R.S., provides that:

A person shall not operate or offer to operate as a mover in intrastate commerce pursuant to this article, or advertise services as a mover, without first having obtained a permit from the commission in accordance with this part 5.

25. Rule 6603(a) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6, provides that: "The Commission will not issue a permit to operate as a mover until the Commission has received the required application." According to Rule 6605, 4 CCR 723-6, "a permit to operate as a mover is an annual permit valid for one year from the date of issuance."

26. Rule 6016 of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6, as relevant to this proceeding, provides that:

- (b) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (c) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall offer to provide a transportation service without authority or permit to provide such service.

27. Section 40-10.1-107(1), C.R.S., provides that:

Each motor carrier shall maintain and file with the commission evidence of financial responsibility in such sum, for such protection, and in such form as the commission may by rule require as the commission deems necessary to adequately safeguard the public interest.

28. Rules 6007(a) and (b) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6, specifies the financial responsibility requirements for motor carriers regulated by the Commission, including the types and minimum amounts of insurance, or surety bonds, they are required to “obtain and keep in force at all times,” and for which they must file evidence with the Commission. Every mover must obtain and keep in force at all times, in the minimum amounts specified, motor vehicle liability coverage, cargo liability coverage, and general liability coverage. Rule 6007(e), 4 CCR 723-6, as relevant to this proceeding, provides that:

The motor carrier’s failure to have proof of liability coverage . . . on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the carrier is in violation of the requirements of this rule.

29. In this administrative adjudicatory proceeding, the State Administrative Procedure Act imposes the burden of proof upon "the proponent of an order." (Section 24-4-105(7), C.R.S.) Pursuant to Rule 1500 of the Rules of Practice and Procedure, 4 CCR 723-1, “The burden of proof and the initial burden of going forward shall be on the party that is the proponent of a decision,” and the proponent is that party that commenced a proceeding. The Staff is the proponent here, since it commenced this proceeding and seeks an order for relief as set forth in the CPAN and requested at the hearing; thus, the Staff bears the burden of proof. In satisfying its burden, the Staff must prove the elements of its case by a preponderance of the evidence. *See*, §

13-25-127(1), C.R.S.; *Western Distributing Co. v. Diodosio*, 841 P.2d 1053, 1057-1058 (Colo. 1992). The preponderance standard requires that the finder of fact determine whether the existence of a contested fact is more probable than its non-existence. *Swain v. Colorado Dept. of Revenue*, 717 P.2d 507, 508 (Colo. App. 1985). A party has met this burden of proof when the evidence, on the whole and however slightly, tips in favor of that party.

30. If violations of Colorado statutes or Commission rules have been proven in a Civil Penalty Assessment proceeding, Rule 1302(b) of the Rules of Practice and Procedure, 4 CCR 723-1, provides:

- (b) The Commission may impose a civil penalty, when provided by law. The Commission will consider any evidence concerning some or all of the following factors:
 - i. the nature, circumstances, and gravity of the violation;
 - ii. the degree of the respondent's culpability;
 - iii. the respondent's history of prior offenses;
 - iv. the respondent's ability to pay;
 - v. any good faith efforts by the respondent in attempting to achieve compliance and to prevent future similar violations;
 - vi. the effect on the respondent's ability to continue in business;
 - vi. the size of the business of the respondent; and
 - viii. such other factors as equity and fairness may require.

31. Section 40-10.1-112(1), C.R.S., as relevant to this proceeding, provides that:

Except as specified in subsection (3) of this section [relating to summary suspensions of certificates and permits], the commission, at any time, by order duly entered, after hearing upon notice to the motor carrier and upon proof of violation, may issue an order to cease and desist . . . for the following reasons:

(a) a violation of this article . . . ; * * *

(c) a violation or refusal to observe any of the proper orders or rules of the commission; * * *

(e) for a mover . . . failure to satisfy the requirements for a new or renewed permit under section 40-10.1-502.

32. Rule 6008(c) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6, as relevant to this proceeding, provides that:

(c) After a hearing upon at least ten days' notice to the motor carrier affected, and upon proof of violation, the Commission may issue an order to cease and desist, suspend, revoke, alter, or amend any certificate or permit for the following reasons:

(I) a violation of, or failure to comply with, any statute, order, or rule concerning a motor carrier;

IV. CONCLUSIONS

33. The Commission has subject matter jurisdiction over this proceeding and personal jurisdiction over Respondent. Forward Motion Movers was personally served with CPAN No. No. 95776 and notice of the alleged violations. Respondent was served with timely and adequate notice of the evidentiary hearing when Decision No. R16-0679-I was mailed, by U.S. mail, to 9808 East Mexico Avenue, Apartment 1112, Denver, CO 80247, which is Respondent's address on file with the Commission.

34. On April 28, 2016, the date of violations alleged in CPAN No. 115148, Forward Motion Movers operated, or offered to operate (e.g., through internet advertisements), as household goods mover in intrastate commerce in the State of Colorado without proper authorization or a valid permit issued by the Commission, in violation of § 40-10.1-502(1)(a), C.R.S., and Rules 6016(b) and 6016(c) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6.

35. On April 28, 2016, Forward Motion Movers failed to obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond in accordance with § 40-

10.1-107(1), C.R.S., and Rule 6007(a)(I) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6.

36. On April 28, 2016, Forward Motion Movers failed to obtain and keep in force at all times cargo liability insurance coverage or a surety bond in accordance with § 40-10.1-107(1), C.R.S., and Rule 6007(a)(III) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6.

37. On April 28, 2016, Forward Motion Movers failed to obtain and keep in force at all times general liability insurance coverage or a surety bond in accordance with § 40-10.1-107(1), C.R.S., and Rule 6007(a)(VI) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6.

38. Staff met its burden of proof to show by a preponderance of the evidence that Forward Motion Movers operated, or offered to operate, as household goods mover in intrastate commerce in the State of Colorado without proper authorization or a valid permit issued by the Commission and that Forward Motion Movers failed to maintain and file evidence of financial responsibility (i.e., the required types of insurance) with the Commission, in violation of the foregoing Colorado statutes and Commission rules.

39. Therefore, Staff has sustained its burden to prove the violations alleged in Counts 1 and 2 of CPAN No. 115148 by a preponderance of the evidence.

40. Having found the above violations of the cited Colorado statutes and Commission rules, it is necessary to determine the amount of the civil penalty to be assessed for these violations. In order to assess an appropriate civil penalty, Rule 1302(b) of the Rules of Practice and Procedure, 4 CCR 723-1, authorizes the Commission to consider eight factors, which include aggravating or mitigating circumstances, surrounding these particular violations.

41. Decision No. R16-0679-I gave Respondent proper notice of the September 13, 2016 hearing (Rule 6013, 4 CCR 723-6), and required Respondent to file its list of witnesses and copies of exhibits no later than August 22, 2016. However, Respondent failed to make the required filing or to appear for the hearing. The ALJ concludes that these failures constitute aggravating circumstances.

42. Evidence that two separate complaints by consumers were filed in the past against Respondent, resulting in the issuance of two Violation Warning Letters, shows a history of prior offenses, which is an aggravating circumstance.

43. As a result of these two consumer complaints against Forward Motion Movers, the Commission issued two Violation Warning Letters – on August 27, 2015 and January 26, 2016 – to Respondent for operating or offering to operate as a household goods mover in the state of Colorado without proper authorization or permit from the Commission and for failing to maintain and file evidence of financial responsibility with the Commission, in violation of applicable Colorado statutes and Commission rules. Both Violation Warning Letters admonished Respondent immediately to cease operating and offering household goods moving services in Colorado without an active PUC HHG permit. On both occasions, Mr. Chesher of the Transportation Staff also discussed, with Mr. Hopkins, the owner of Forward Motion Movers, the Commission's permit and insurance requirements. Nevertheless, between August 27, 2015 and May 11, 2016, Forward Motion Movers continued operating, or offering to operate, as an intrastate household goods mover in the State of Colorado without a valid permit from the Commission and failed to maintain and file evidence of required financial responsibility with the Commission, in violation of the Colorado statutes and Commission rules cited in the Violation

Warning Letters. The ALJ concludes these continued acts by Respondent, in violation of applicable Colorado statutes and Commission rules, constitute aggravating circumstances.

44. While neither the Commission's Rules of Practice and Procedure nor Rules Regulating Transportation by Motor Carrier provide a definition of "knowingly," an act "knowingly" violates a government regulation, if a person or entity deliberately or willful neglected to do the acts made necessary by the regulation. *See United States v. Thompson-Hayward Chemical Company*, 446 F.2d 583 (8th Cir.1971).

45. In spite of Mr. Hopkins' knowledge that Forward Motion Movers was warned by Commission Staff on two separate occasions of the Commission's permitting and financial responsibility requirements, Forward Motion Movers knowingly failed to obtain a valid permit to operate as an intrastate household goods mover and knowingly failed to maintain and file the required proof of financial responsibility (i.e., liability insurance coverages). Despite these facts and the Commission's repeated warnings immediately to cease operating and offering moving services without a valid Commission permit, Forward Motion Movers continued to operate and to offer intrastate moving services to Colorado consumers in violation of the applicable Colorado statutes and Commission rules cited above.

46. Based on substantial evidence in the record as a whole in this proceeding, and using the definition from the *Thompson-Hayward* case, the ALJ concludes that Forward Motion Movers knowingly violated §§ 40-10.1-502(1)(a), C.R.S., and 40-10.1-107(1), C.R.S., and Rules 6007(a)(I), 6007(a)(III), 6007(a)(IV), 6016(b) and 6016(c) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6, in committing each of the two violations proven by Staff as alleged in CPAN No. 115148. The ALJ concludes these knowing violations constitute aggravating circumstances.

47. Respondent's filing of an application to obtain an annual HHG permit could be viewed as a good-faith effort to achieve compliance with Commission rules. This filing is some evidence of mitigation. Respondent's failure to complete the application by filing the required proof of financial responsibility, however, resulting in dismissal of the application, diminishes the weight of the application filing as a mitigating circumstance.

48. No other evidence of mitigation was presented at the hearing.

49. The gravity to the public and to consumers of household goods moving services of Respondent's violation for failure to obtain a valid HHG permit and to maintain and to maintain and file evidence of proper insurance cannot be overstated. While no evidence of significant damage or injury to consumers or the traveling public was presented at hearing, this factor cannot be a measure of the gravity of Respondent's offenses. The heart of the Commission's mover permitting and financial responsibility regulations is the protection of consumers of household goods moving services and the traveling public, who are entitled to rely, respectively, upon the belief that movers they hire or encounter on Colorado streets and highways have followed Colorado law and the Commission's rules.

50. The Commission performs an important health, safety and welfare function by assuring that movers have valid permits and maintain current insurance coverages to protect consumers of household goods moving services and the public. Respondent has disregarded the protection of these consumers and the safety of the traveling public. The ALJ concludes that the nature, aggravating circumstances, and gravity of the violations by Forward Motion Movers warrant assessment of the maximum civil penalties of \$13,915.00, including the additional 15 percent surcharges.

51. An assessment will be ordered of the total civil penalty in the amount of \$13,915.00, including 15 percent in surcharges, for the two violations by Forward Motion Movers that were proven by the Staff by a preponderance of the evidence.

52. Further, Respondent knowingly continued to operate and to offer intrastate moving services to Colorado consumers while also knowing insurance requirements were not being met. Such utter disregard for this Commission's rules, the consumers, and safety of the traveling public potentially affected by its operations also deserves the strongest enforcement available to this Commission.

53. After a hearing for which Respondent had more than ten days' adequate notice, the ALJ concluded that Respondent has violated §§ 40-10.1-502(1)(a), C.R.S., and 40-10.1-107(1), C.R.S., and Rules 6007(a)(I), 6007(a)(III), 6007(a)(IV), 6016(b) and 6016(c) of the Rules Regulating Transportation by Motor Carrier, 4 CCR 723-6. Based on substantial evidence in the record as a whole, proving the Respondent's violations and the aggravating factors found in this Decision, the ALJ concludes further that Forward Motion Movers will be ordered to cease and desist from operating, from advertising, and from offering to operate as a household goods mover in intrastate commerce in the State of Colorado without proper authorization or a valid permit issued by the Commission.

54. Pursuant to § 40-6-109(2), C.R.S., the ALJ recommends that the Commission enter the following order.

V. ORDER**A. The Commission Orders That:**

1. Respondent Forward Motion Movers & Co. is assessed a civil penalty in the amount of \$11,500.00 for its violation stated in Count 1 of Civil Penalty Assessment Notice No. 115148, with an additional 15 percent surcharge, for a total amount of \$13,915.00.

2. Respondent Forward Motion Movers & Co. is assessed a civil penalty in the amount of \$1,100.00 for its violation stated in Count 2 of Civil Penalty Assessment Notice No. 115148, with an additional 15 percent surcharge, for a total amount of \$1,265.00.

3. Respondent Forward Motion Movers & Co. shall pay the total assessed civil penalties of \$13,915.00, including 15 percent in surcharges, within thirty days of the effective date of this Decision.

4. Respondent Forward Motion Movers & Co. is hereby ordered to cease and desist, as of the effective date of this Decision, from operating, from advertising, and from offering to operate as a household goods mover in intrastate commerce in the State of Colorado without proper authorization or a valid permit issued by the Commission.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by §40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the Recommended Decision shall become the decision of the Commission and subject to the provisions of §40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in §40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

Doug Dean,
Director