

Decision No. C14-0386

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 12G-1272HHG

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

KENNETH MARLEY AND DENVER SMALL MOVES LLC,

RESPONDENT.

**COMMISSION DECISION
GRANTING EXTENSION OF TIME**

Mailed Date: April 11, 2014

Adopted Date: April 9, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a letter requesting an extension of time submitted on March 17, 2014, by Denver Small Moves, LLC (Denver Small Moves). Staff of the Public Utilities Commission (Staff) filed a response to this letter on March 21, 2014. Being fully advised in this matter and consistent with the discussion below, we grant the request for an extension of time.

B. Background

2. This proceeding concerns Civil Penalty Assessment Notice (CPAN) No. 104384 issued by Staff on August 24, 2012 against Kenneth Marley, individually, and in his capacity as owner and operator of Denver Small Moves LLC and Denver Small Moves, LLC.

The CPAN assessed Denver Small Moves a total penalty, including a 10 percent surcharge, of \$15,427.50 for six violations of Colorado law and Commission rules.

3. On January 16, 2013, the Commission referred the proceeding to an administrative law judge (ALJ) for disposition. The ALJ scheduled a hearing on the CPAN for April 4, 2013.

4. On May 29, 2013, the ALJ issued Recommended Decision No. R13-0637 assessing Denver Small Moves the maximum total penalty of \$15,427.50 for the six violations of Colorado law and Commission rules.

5. On June 10, 2013, Denver Small Moves filed timely exceptions to Decision No. R13-0637. Staff filed a response to Denver Small Moves' exceptions on June 21, 2013.

6. On July 10, 2013, the Commission, without ruling on Denver small Moves' exceptions, remanded the proceeding to the ALJ to issue a supplemental recommended decision.

7. By Decision No. R13-0890-I issued July 25, 2013, the ALJ scheduled the matter for an evidentiary hearing for August 8, 2013.

8. On September 24, 2013, in Decision No. R13-1173, the ALJ assessed Denver Small Moves a civil penalty in the amount of \$2,750.00 with a 10 percent surcharge, for a total amount of \$3,025.00. The ALJ also ordered Denver Small Moves to pay the total assessed penalty of \$3,025.00 to the Commission by March 1, 2014.

C. Discussion

8. On March 17, 2014, Denver Small Moves filed a document which has been construed as a request for an extension of time to pay the total assessed penalty of \$3,025.00. In this document, Mr. Kenneth Marley the owner of Denver Small Moves states:

This letter is to request an extension for the fine amount owed to the PUC. We are making a payment of \$1500 today 03/13/14. We are requesting to

pay the remaining balance on 04/15/14. We appreciate your consideration of this extension request.

9. Denver Small Moves did pay \$1,500 of the penalty on March 17, 2014.

10. In its response to the letter filed by Denver Small Moves, Staff states that it has no objection to the requested extension of time.

11. In consideration of the request of Denver Small Moves and the response of Staff, the Commission will grant an extension of time through April 15, 2014, to pay the remainder of the civil penalty.

II. ORDER

A. It Is Ordered That:

1. The request filed on March 17, 2014, by Denver Small Moves, LLC, for an extension of time until April 15, 2014, to pay the remainder of the civil penalty as assessed in Decision No. R13-1173 is granted.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 9, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners