

Decision No. C14-0838

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0125TO

CHARLES SNYDER,

COMPLAINANT,

V.

RANDY'S HIGH COUNTRY TOWING, INC.,

RESPONDENT.

**DECISION DENYING EXCEPTIONS
TO RECOMMENDED DECISION NO. R14-0622**

Mailed Date: July 18, 2014

Adopted Date: July 9, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the exceptions to Recommended Decision No. R14-0622 filed by Charles Snyder (Complainant) on June 18, 2014. Being fully advised in this matter and consistent with the discussion below, we deny the exceptions.

B. Background, Findings, and Conclusions

2. Complainant filed a Formal Complaint against Randy's High Country Towing, Inc. (Respondent) on February 6, 2014.

3. Interim Decision No. R14-0399-I, issued April 14, 2014, set the matter for a hearing on May 22, 2014, and denied Complainant's request to appear by telephone at the hearing; the sole reason for the request was that Complainant lived out of state. In denying the request, because the Complainant bears the burden of going forward and burden of proof in this proceeding, the assigned Administrative Law Judge (ALJ) found Complainant's presence at the hearing especially important.¹

4. Interim Decision No. R14-0446-I, issued April 30, 2014, again denied Complainant's request to appear by telephone at the hearing; again, Complainant's only cited reason for the request was that Complainant lived out of state.

5. Interim Decision No. R14-0500-I, issued on May 12, 2014, granted Complainant's request to vacate the May 22, 2014, hearing date and reschedule the hearing "until sometime in late June or early July," the hearing was rescheduled for June 19, 2014.

6. On June 9, 2014, Complainant filed a request to vacate and reschedule the evidentiary hearing. Complainant stated that the reason for this request was medical issues the Complainant was then having, and requested that the June 19, 2014, hearing be rescheduled for an unspecified later date.

7. Recommended Decision No. R14-0622 (Recommended Decision), issued on June 9, 2014, construed Complainant's request as a Motion to vacate and reset the hearing (Motion), denied the Motion, and dismissed the Complaint without prejudice. The Recommended Decision noted that Complainant had previously rescheduled the hearing, and did not provide a date in this instance by which Complainant's medical issues were expected

¹ See Decision No. R14-0446-I, ¶¶ 8-9.

² Decision No. R14-0500-I, ¶¶ 5-6.

to resolve sufficiently that Complainant could attend a hearing. Paragraph No. 11 of the Recommended Decision notes that “Complainant may file his formal complaint again at some time in the future.”

8. Complainant filed Exceptions to the Recommended Decision on June 18, 2014. Complainant’s Exceptions reiterate facts about his medical condition, and request the Commission reconsider the decision to dismiss the complaint and reschedule the evidentiary hearing at a time when the Complainant is “medically able to attend it.”³

9. The ALJ did not abuse his discretion in denying Complainant’s Motion to Reschedule the Hearing and Dismissing the Proceeding without prejudice. We deny exceptions filed by Complainant; as the Recommended Decision noted, Complainant may file his formal complaint again at some time in the future.⁴

II. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the exceptions to Recommended Decision No. R14-0622 filed by Charles Snyder on June 18, 2014, are denied.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails orders this Decision.

3. This Decision is effective on its Mailed Date.

³ Motion, at 3.

⁴ Recommended Decision, ¶ 11.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 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