

Decision No. R14-0017-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13G-1190TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

PROCEEDING NO. 13G-1166TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

PROCEEDING NO. 13G-1165TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

NITRO TOWING AND RECOVERY INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
GRANTING MOTIONS AND
CONSOLIDATING PROCEEDINGS**

Mailed Date: January 7, 2014

I. STATEMENT

1. On December 18, 2013, Staff's Motion to Consolidate Proceeding Nos. 13G-1165TO, 13G-1166TO and 13G-1190TO was filed by Staff of the Colorado Public Utilities Commission (Staff) in each of the three proceedings. Staff contends that these proceedings should be consolidated based upon the identity of parties in all three proceedings, overlapping factual issues, and promotion of efficiency in the litigation process.

2. In November 2013, the Commission issued Civil Penalty Assessment Notice or Notice of Complaint (CPAN) No. 107879. This CPAN commenced Proceeding No. 13G-1190TO.

3. In October 2013, the Commission issued CPAN No. 106595. This CPAN commenced Proceeding No. 13G-1166TO.

4. In October 2013, the Commission issued CPAN No. 107548. This CPAN commenced Proceeding No. 13G-1165TO.

5. No response has been filed in opposition to any request for consolidation addressed above.

6. Rule 1402 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 provides that the “Commission may consolidate proceedings where the issues are substantially similar and the rights of the parties will not be prejudiced.”

7. Based upon good cause shown for the unopposed request, the Administrative Law Judge (ALJ) finds that the issues in the three Proceedings are substantially similar. The ALJ further finds that consolidation of the matters that are the subjects of Proceeding Nos. 13G-1190TO, 13G-1166TO, and 13G-1165TO, will promote administrative efficiency. No party will be prejudiced by consolidation. Proceeding Nos. 13G-1190TO, 13G-1166TO, and 13G-1165TO, will be consolidated.

II. ORDER

A. It Is Ordered That:

1. Proceeding Nos. 13G-1190TO, 13G-1166TO, and 13G-1165TO are consolidated. Proceeding No. 13G-1190TO is the primary Proceeding.

2. All parties in each proceeding, by this Decision, become parties in the consolidated proceeding. The parties shall modify their certificates of service accordingly.

3. All proceeding numbers and captions in the consolidated proceeding shall be listed on all future filings, as on this Decision. The primary proceeding number stated in Ordering Paragraph 1 above and its caption shall appear first.

4. The filing requirements of Rule 1204 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 are modified as set forth in this Ordering Paragraph. In this consolidated proceeding, parties shall file an original and the number of copies of all filings provided for in Commission rules under the primary proceeding, Proceeding No. 13G-1190TO; no copies shall be filed in the additional consolidated proceedings.

5. This Decision is effective immediately.

(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

G. HARRIS ADAMS

Administrative Law Judge