

Decision No. R14-0038-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13G-1313TO

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

ADAM JERROD KASTNING, DOING BUSINESS AS, A PERSONAL TOUCH RECOVERY,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
SETTING HEARING**

Mailed Date: January 13, 2014

I. STATEMENT

1. The captioned proceeding was initiated on December 12, 2013, when the Staff of the Colorado Public Utilities Commission (Commission) issued Civil Penalty Assessment Notice (CPAN) No. 108176 to Adam Jerrod Kastning, doing business as A Personal Touch Recovery (Respondent), alleging one violation of operating as a towing carrier without first obtaining a permit, in violation of § 40-10.1-401(1)(a), C.R.S. The total amount of the civil penalty assessment for the above violation is \$1,210.00. Respondent was served with a copy of CPAN No. 108176 on December 13, 2013 by certified mail, return receipt requested.

2. On January 7, 2014, Staff of the Commission filed its entry of appearance in this matter through the Colorado Attorney General's Office.

3. On January 8, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

4. CPAN No. 108176 provides that if Respondent wishes to contest the allegations contained therein, or if Respondent does not pay the penalty amount of \$605.00 within ten days of its receipt of the CPAN, Respondent is obliged, within 15 days of such receipt, to contact the Commission to set the matter for hearing. In the absence of such a contact, CPAN No. 108176 provides that it will become a Complaint to Appear Notice and that the Commission will set a hearing date without regard to Respondent's wishes.

5. Respondent failed to respond to the CPAN by indicating it admits that it violated the Commission Rules indicated by paying the civil penalty assessment within the time periods specified in CPAN No. 108176; nor has Respondent contacted the Commission to set a hearing date regarding the alleged violations contained in CPAN No. 108176. Therefore, it is appropriate to set this matter for hearing. The hearing in this matter will be set for Thursday, February 27, 2014. If Respondent pays the full civil penalty amount of \$1,210.00 prior to February 26, 2014, the hearing in this matter will be vacated.

II. ORDER

A. It Is Ordered That:

1. An evidentiary hearing regarding Civil Penalty Assessment No. 108176 is scheduled as follows:

DATE: February 27, 2014
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. This Decision shall be 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

PAUL C. GOMEZ

Administrative Law Judge