

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0052-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S)
AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL
RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008
OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
CONTINUING HEARING REGARDING KID GLOVES LLC**

Mailed Date: January 15, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. The case against Respondent Kid Gloves LLC (Kid Gloves) was instituted by Order of Summary Suspension and Complaint and Notice of Suspension and Hearing (Complaint) issued by the Commission Director and served upon Kid Gloves on December 20, 2013 by United States mail at the most recent address on file with the Commission for Kid Gloves. Hearing Exhibits 1 and 2. At the same time, the Commission instituted Complaints against numerous other Respondents. *Id.* This Decision does not implicate the other Respondents.

2. The Complaint alleges that the Commission received notice from Kid Gloves' insurance or surety company of the cancellation of Kid Gloves' general liability insurance (form GL), policy number GL3740920 as of December 31, 2013. Hearing Exhibit 2.

The Complaint summarily suspends Kid Gloves' authority, PUC No. HHG-00256 for failing to maintain proper evidence of insurance or surety coverage on file with the Commission. *Id.* The Complaint seeks to permanently revoke Kid Gloves' authority for the same reason.

3. The Complaint provided notice of the date, time, and location of the hearing regarding the Complaint. At the designated date, time, and location, January 14, 2014 at 12:00 p.m., the undersigned Administrative Law Judge (ALJ) called the matter for hearing in a Commission Hearing Room, at 1560 Broadway, Suite 250, Denver, Colorado.

4. Commission Staff member Vanessa Condra appeared through counsel and testified on behalf of the Staff of the Commission (Staff). Mr. Ron Simpson appeared and testified on behalf of Kid Gloves.

5. Mr. Simpson, a non-attorney, sought to represent Kid Gloves at the hearing. The ALJ permitted Mr. Simpson to represent Kid Gloves pursuant to Rule 1201(b)(II) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, and § 13-1-127, C.R.S.¹

6. Hearing Exhibits 1, 2, 3, and 4 were identified, offered, and admitted into evidence during the hearing.

7. Mr. Simpson presented evidence indicating that Kid Gloves paid an insurance premium on December 11, 2013 to Western Truck Insurance. Hearing Exhibit 4. According to Mr. Simpson, this premium is for the general liability policy which is alleged to have been cancelled in this proceeding. *See* Hearing Exhibit 2.

¹ Kid Gloves is a closely-held entity, having less than three owners. Less than \$15,000 is in controversy in the proceeding. Respondent presented satisfactory evidence that Mr. Simpson has authority to represent Respondent.

8. Mr. Simpson testified that the policy at issue was not cancelled. He also testified that he has faced similar issues in the past with Kid Gloves's insurance company filing incorrect notices with the Commission indicating that the policy has been cancelled. Mr. Simpson presented evidence showing that he has made numerous attempts to ensure the insurance company files the required proof of insurance. *See* Hearing Exhibit 3. His efforts have not been effective.

9. The ALJ finds Mr. Simpson to be credible.

10. Neither Mr. Simpson nor Kids Gloves may file the required proof of insurance; instead, it must be filed by the insurance company. It is Kid Gloves's responsibility to ensure that the insurance company files the proof of insurance. And, the evidence was clear that Mr. Simpson has genuinely attempted to ensure that the insurance company files the required proof.

11. Given the unique circumstances in this case, the ALJ will not rule on the Complaint against Kid Gloves at this time.² Instead, the ALJ will continue the hearing against Kid Gloves to January 28, 2014 at 12:00 p.m. At the hearing, the ALJ will reopen the evidentiary record in this proceeding as it pertains to Kid Gloves only.³ Kid Gloves and Staff may not present the same evidence already admitted. The ALJ expects to hear evidence as to the current status of Kid Gloves's proof of insurance. Otherwise, Staff and Kid Gloves are not required to present evidence.

² At the January 14th hearing, the ALJ told Kid Gloves that she would issue a recommended decision impacting its authority, and that if the ALJ revoked Kid Gloves's authority, Kid Gloves would have 20 days to file proof of insurance before the revocation became final and effective. As stated herein, the ALJ will not issue a recommended decision as to Kid Gloves at this time. The ALJ will do so after the January 28th hearing. This provides Kid Gloves with additional time to address the underlying issues.

³ For example, Kid Gloves and Staff may present evidence as to any change in circumstances relevant to the Complaint since the January 14th hearing.

12. **Kid Gloves is reminded that its authority, PUC No. HHG-00256, continues to be suspended as stated in the Order of Summary Suspension.** Hearing Exhibit 2. Kid Gloves is not permitted to provide services under its authority so long as it is still suspended.

13. As stated in the Complaint, should the Commission receive proper evidence of the insurance or surety coverage prior to the hearing, it will dismiss the complaint and vacate the hearing. Rule 6008(a)(IV), Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; *see* Hearing Exhibit 2.

II. ORDER

A. It Is Ordered That:

1. A hearing regarding the Order of Summary Suspension and Complaint and Notice of Suspension and Hearing against Kid Gloves LLC in this proceeding is scheduled as follows:

DATE: January 28, 2014
TIME: 12:00 p.m.
PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director