

Decision No. R14-0311-I

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.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
FINDING COMPLAINANT HAS
SATISFIED SHOW CAUSE ORDER**

Mailed Date: March 21, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On February 6, 2014, Charles Snyder, (Complainant), filed a formal Complaint (Complaint) against Randy's High Country Towing, Inc., (Respondent).

3. On February 11, 2014, the Public Utilities Commission (Commission) issued an order to Respondent to answer or satisfy the Complaint. At the same time, the Commission scheduled the matter for an evidentiary hearing for March 24, 2014 at 9:00 a.m.

4. On February 19, 2014, the Commission referred this proceeding to an Administrative Law Judge (ALJ) for disposition.

5. On February 21, 2014, Respondent filed an Answer to the Complaint.

6. By Decision No. R14-0223-I issued February 28, 2014, the ALJ ordered that Mr. Snyder may appear by telephone at the March 24, 2014 hearing on the merits of the Complaint, as he requested in his Complaint.

7. In anticipation of the hearing on the merits of the Complaint, the ALJ scheduled a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 to take place on March 10, 2014 at 1:00 p.m. MST. Decision No. R14-0222-I. The Decision setting a prehearing conference was mailed to the parties on February 28, 2014.

8. The ALJ ordered that the parties appear at the prehearing conference by telephone by dialing the telephone number provided at the designated date and time. *Id.* The parties were advised that their failure to appear at the prehearing conference could result in dismissal of the Complaint without prejudice, or a decision granting Mr. Snyder the relief sought in the Complaint. *Id.*

9. The purpose of the prehearing conference was to address procedural aspects of the hearing and to address Respondent's representation in this proceeding. *See* Decision No. R14-0222-I. Given that the ALJ ordered that Mr. Snyder may appear at the March 24, 2014 hearing by telephone, it was especially important to hold a prehearing conference to ensure that the evidentiary hearing could be held with the prosecuting party on the telephone.

10. The ALJ convened the prehearing conference by telephone at the date and time designated, March 10, 2014 at 1:00 p.m. MST. Mr. Scott Gault, a non-attorney, appeared by telephone on behalf of Respondent. Neither Mr. Snyder nor anyone representing Mr. Snyder

appeared at the prehearing conference (by telephone or in person). The ALJ recessed the hearing until 1:15 p.m. to give Mr. Snyder an additional opportunity to appear. Mr. Snyder did not appear.

11. To the extent possible, the hearing proceeded without Mr. Snyder. *See* Decision No. R14-0268-I issued March 11, 2014.

12. Based upon Complainant's failure to appear at the prehearing conference, the ALJ issued a decision requiring Complainant to make a filing by March 18, 2014 showing cause why the Complaint should not be dismissed for Complainant's failure to appear.¹ Decision No. R14-0268-I. The ALJ vacated the March 24, 2014 hearing date based upon Complainant's failure to appear at the prehearing conference. *Id.*

13. On March 18, 2014, Complainant made two filings through the Commission's e-filing system, attached hereto as Appendix A. In those filings, Complainant states that he failed to appear by telephone at the prehearing conference because he did not receive the decision scheduling the prehearing conference in a timely manner due to being "on holiday." Complainant also states that there is an approximate five to seven-day delay in mail reaching him because he now lives in Mexico. Complainant did not provide an address in Mexico; instead, he specifically states that he does not have an alternate mailing address. His current mailing address is a post office box in Texas.

14. The ALJ finds that Complainant has shown cause why the Complaint should not be dismissed.

¹ At the same time, the ALJ ordered Respondent to make a filing showing that Respondent's owners authorize and request that Mr. Gault represent Respondent in this proceeding. *Id.* Respondent was required to make this filing only if Complainant makes the required show cause filing.

15. The ALJ notes that Complainant recently registered with the Commission's e-filing system. This should eliminate the Complainant's delay with receiving Commission decisions. It is Complainant's responsibility to check his Commission e-filing account regularly so that he is aware of the status of the proceeding.

16. The ALJ again reminds the parties that under Rule 1205(a) of the Rules of Practice and Procedure, 4 CCR 723-1, each party is responsible for providing each other with a copy of all filings they make in this proceeding at the time they make their filing. When either party makes a filing with the Commission, on that same day, they must mail a copy of their filing to the opposing party, and must include a statement in their filing indicating that they have done so, including the date it was mailed, and the address to which it was mailed. *See* Rule 1205(e), 4CCR 723-1.

17. **All parties are again advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1, Part 1 and the Rules Regulating Transportation by Motor Vehicle found at 4 CCR 723-6, Part 6. Both sets of rules are available on the Commission's website at www.dora.colorado.gov/puc and in hard copy from the Commission.

I. ORDER

A. It Is Ordered That:

1. Mr. Charles Snyder has satisfied Decision No. R14-0268-I, which required him to show cause why the Complaint should not be dismissed.

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