

Decision No. R14-1477

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0999TO

LETICIA VORHIES,

COMPLAINANT,

V.

MILE HIGH TOWING,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
VACATING HEARING
AND CLOSING PROCEEDING**

Mailed Date: December 12, 2014

I. STATEMENT

1. The captioned proceeding was initiated on October 2, 2014, when Leticia Vorhies (Complainant) filed a Formal Complaint (Complaint) against Mile High Towing (Respondent).

2. On October 6, 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 December 16, 2014 at 9:00 a.m.

3. On October 15, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

4. By Interim Decision No. R14-1252-I, issued October 16, 2014, a date for Respondent to satisfy or answer the Complaint was established for 20 days after the effective date of the Decision, or November 5, 2014. In addition, the evidentiary hearing scheduled for December 16, 2014 was vacated and was to be rescheduled at a time after Respondent had the opportunity to respond to the Complaint.

5. On October 24, 2014, Respondent filed its Response to the Complaint in which Respondent denies all allegations contained in the Complaint. As a result, a hearing was set in this matter for December 4, 2014.

6. At the scheduled date and time, the hearing was convened. An appearance was entered by Respondent, but Complainant did not enter an appearance. As a result, Interim Decision No. R14-1436-I was issued on December 4, 2014, which re-set the evidentiary hearing for January 6, 2015. The Interim Decision also required Complainant to make a filing no later than December 12, 2014 indicating whether Complainant intended to proceed with prosecuting the Complaint.

7. Interim Decision No. R14-1436-I was served on Complainant through the U.S. Mail, utilizing the two addresses provided by Complainant in the Formal Complaint. On December 6, 2014, the U.S. Post Office returned the Interim Decision with a notation that it was unable to deliver or forward the mailing because the Complainant is deceased. As a result, the Formal Complaint will be dismissed and the matter will be closed.

8. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Formal Complaint in this proceeding is dismissed with prejudice.
2. The hearing scheduled for January 6, 2015 is vacated.
3. Proceeding No. 14F-0999TO is closed.
4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
5. As provided by § 40-6-106, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a.) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the recommended decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
 - b.) If a party seeks to amend, modify, annul, or reverse a basic finding of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge; and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(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