

Decision No. R19-0721

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19G-0361TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

TOWING OPERATIONS LLC DOING BUSINESS AS WYATT'S TOWING,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
DISMISSING CPAN**

Mailed Date: August 29, 2019

I. STATEMENT

1. On June 26, 2019, Trial Staff of the Commission (Staff) issued Towing Operations LLC, doing business as Wyatt's Towing (Respondent) with Civil Penalty Assessment Notice (CPAN) No. 124187 arising out of one alleged violation of *Rule 6508(b)(1) of the Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations 723-6*.

2. On July 17, 2019, the matter was referred to an Administrative Law Judge.

3. On July 23, 2019, by Decision No. R19-0626-I, the matter was set for an evidentiary hearing to be held on September 5, 2019.

4. On August 14, 2019, Staff filed its Unopposed Motion to Dismiss and Waive Response Time (Unopposed Motion).

5. In the Unopposed Motion Staff states that the Respondent has produced missing documentation in regards to the tow that was the subject of the CPAN. Staff has decided not to pursue the CPAN after having received the documentation and requests that this matter be dismissed.

6. Good cause is found to grant the Unopposed Motion.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion to Dismiss filed by Trial Staff of the Commission on August 14, 2019, is granted.

2. Civil Penalty Assessment Notice No. 124187 is dismissed.

3. The evidentiary hearing scheduled for September 5, 2019, is vacated.

4. Proceeding No. 19G-0361TO0361TO is closed.

5. The 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.

6. 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.

7. If exceptions to this 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)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director