

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20C-0091-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
GRANTING MOTION TO CONTINUE
HEARING TO APRIL 22, 2020**

Mailed Date: March 20, 2020

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

1. On March 6, 2020, Commission Staff instituted the cases against the motor-carrier Respondents¹ by issuing and filing the “Order[s] of Summary Suspension and Complaint[s] and Notice of Hearing” (Complaints) and other documents in this proceeding. The Complaints² against each of the Respondents in this proceeding allege that the Commission received notice from the Respondents’ insurance or surety carriers that the Respondents’ insurance or surety coverage has been or will be cancelled, as specifically identified in each Complaint.

2. The Complaints further notify Respondents that their authorities or permits have been, or will be summarily suspended on the date specified in each Complaint, and that a hearing

¹ As referenced in this Decision, motor carriers are carriers who hold a Commission permit, authority, or certificate.

² This proceeding involves numerous Respondents against whom the Commission initiated Complaints by sending them each a Complaint. Each of those Complaints is assigned a unique “Case No.” which specifies the grounds unique to each Respondent. And, each of those case numbers are part of this single proceeding.

will take place on March 25, 2020 at 12:00 p.m. at the Commission's office to determine whether their authorities or permits should be permanently revoked for failing to maintain proper evidence of insurance or surety coverage on file with the Commission.

3. On March 18, 2020, Commission Staff filed a Motion to Continue Insurance Show Cause Hearing to April 22, 2020 (Motion). As grounds, Staff explains that after the Complaints were served, the novel coronavirus, COVID-19, has disrupted normal routines, including the Governor's pronouncement that even small groups of people should not gather until at least mid-April. Motion at 1. Based on this, Staff requests that the hearing be continued to April 22, 2020, and that summary suspensions continue for those who have not filed appropriate proof of financial responsibility. *Id.*

4. As an initial matter, the Administrative Law Judge (ALJ) finds that good cause exists to waive the response time to the Motion, as permitted under Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. Specifically, the hearing is closely approaching (in seven days), leaving little time for parties to respond to the Motion before the hearing. As such, the ALJ waives the response time to the Motion.

5. The ALJ finds that Staff has established good cause to continue the hearing, and to continue the summary suspensions as specifically stated in each Complaint against each Respondent so long as Respondents remain out of compliance with the Commission financial responsibility requirements. Continuing the hearing and the summary suspensions protects the public from using the services of carriers who are not currently insured, and is consistent with public health advisories to avoid group gatherings at this time. As such, the ALJ grants the Motion.

II. ORDER

A. It Is Ordered That:

1. The hearing scheduled for May 25, 2020 at 12:00 p.m. at a Commission hearing room in this proceeding is continued and will not be held.

2. A hearing on the Order[s] of Summary Suspension and Complaint[s] and Notice of Hearing against each Respondent-motor carrier in this proceeding is scheduled as follows:

DATE: April 22, 2020
TIME: 12:00 p.m.
LOCATION: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

3. 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

Doug Dean,
Director