

Decision No. R20-0196

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20G-0033TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

D & S TOWING LLC,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DISMISSING CIVIL PENALTY**

Mailed Date: March 24, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. This proceeding concerns Civil Penalty Assessment Notice (CPAN) No. 125145 issued by Commission Staff (Staff) on January 17, 2020 against Respondent D&S Towing, LLC (D&S). The CPAN assessed D&S a total penalty of \$1,265.00 for one violation of Rule 6508(b)(I) of the *Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations* 723-6. The nature of violation is listed as: “Failure to have proper authorization prior to the performance of a nonconsensual tow.”

2. On February 13, 2020, by Minute Entry, the Commission referred this matter to an Administrative Law Judge (ALJ).

3. By Decision No. R20-0110-I issued on February 19, 2020, a hearing was scheduled to commence in this matter on March 30, 2020.

4. On March 6, 2020, the Unopposed Motion to Dismiss Proceeding 20G-0033TO was filed by Staff. Staff requests dismissal because the parties have resolved their differences and Respondent paid a refund to the complaining party for the tow fee. No response was filed.

5. Based upon good cause shown for the unopposed request, the motion will be granted.

6. Pursuant to § 40-6-109(2), C.R.S., the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. Civil Penalty Assessment Notice No. 125145 issued by Commission Staff on January 17, 2020 against Respondent D&S, LLC is dismissed.

2. The hearing scheduled to commence in this matter on March 30, 2020, is vacated.

3. Proceeding No. 20G-0033TO 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 § 40-6-109, 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 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 basic findings 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 Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.



Doug Dean

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge