

Decision No. R20-0503-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0709TO

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES REGULATING
TOWING CARRIERS, 4 CODE OF COLORADO REGULATIONS 723-6.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
SCHEDULING REMOTE PUBLIC RULEMAKING
HEARING AND NOTICE OF HEARING**

Mailed Date: July 13, 2020

I. STATEMENT

1. On December 13, 2019, the Colorado Public Utilities Commission issued a Notice of Proposed Rulemaking (NOPR) to amend Rules 6500 through 6514 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Towing Carrier Rules).¹ The NOPR proposed substantive changes to the Towing Rules. The NOPR adopted a schedule for filing initial and reply comments.

2. Between January 17, 2020 and February 16, 2020, the Public Utilities Commission received sixteen different initial comments in this Proceeding from various stakeholders to include tow companies, private property managers and owners and attorneys.

3. Administrative Law Judge (ALJ) Robert I. Garvey was assigned to preside over this proceeding. Pursuant to the NOPR, the public rule-making hearing was held on February 24, 2020. Oral comments were presented by representatives of Towing Industry, Property Managers and Staff of the PUC.

¹ Decision No. C19-0994 (mailed on December 13, 2019).

4. Pursuant to § 24-4-103(4)(d), C.R.S., the agency conducting the rulemaking proceeding shall adopt the rules within “one hundred eighty days after the last public hearing on the proposed rule[s].” In the case of this rulemaking that deadline is August 24, 2020.

5. Decision No. C19-0994, the NOPR, held that: “The ALJ may set additional hearings, if necessary.” The record in this Proceeding contains a large volume of written and oral comments, as well as extensive post-hearing comments and numerous revisions to the proposed rules. The ALJ has determined that holding an additional public rulemaking hearing is necessary to gather additional information from Participants and to help clarify certain issues, so that the ALJ may fully evaluate and consider the arguments and revised rules proposed by the Participants.

6. The ALJ requests participants comment specifically on Rule 6511 (Rates and Charges).

7. An additional public rulemaking hearing will be scheduled for Monday, August 17, 2020 at 9:30 a.m. Notice of the additional rulemaking hearing will be published in the July 25, 2020 issue of *The Colorado Register* pursuant to the Administrative Procedure Act.²

8. Participants who wish to file additional written comments addressing these or other matters will be ordered to file such additional comments on or before August 7, 2020.

9. The ALJ finds that, given the uncertainty which the novel coronavirus (COVID-19) pandemic creates on future public gatherings, it is in the best interests of the parties and Commission personnel to hold the rulemaking hearing remotely and that doing so is consistent with emergency declarations and public health advisories to prevent the spread of COVID-

² See § 24-4-103(3)(a), C.R.S.

19. Therefore, the ALJ will order that the rulemaking hearing be held remotely by video conference.

10. The Commission prefers written comments over oral comments. As a result, interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Both oral and written comments will be given the same weight in this proceeding. Interested persons are urged to submit their written comments by July 30, 2020, to give the ALJ an opportunity to review them in advance of the remote rulemaking hearing.

11. For those individuals who want to provide oral comments, the Commission will use the web-hosted video conferencing service, GoToMeeting, to hold video conferences, and in this case, a remote public rulemaking hearing. Video-conference participation allows for oral comments to be presented in a manner most similar to that which occurs during in-person hearings. Individuals who wish to provide oral comments during the public rulemaking hearing can participate and provide their comments either by telephone or computer. Attachment A to this Decision sets forth general instructions and requirements for how to participate by telephone or by computer. These requirements are intended to ensure that the remote hearing proceeds efficiently without technical problems. Attachment A includes important requirements and technical information on participating in the hearing through GoToMeeting. Hence, it is vitally important that Participants and counsel carefully review and follow all requirements in this Decision and Attachment A.

12. **To Participate by Telephone.** Any member of the public or party who wishes to provide comments by telephone during the remote public rulemaking hearing must call +1 (786) 535-3211 when the hearing takes place. When prompted, input the pin 490-889-869. You will then be placed into the public rulemaking hearing. Please note that your session and participation will be controlled by the ALJ/Commission Staff. When you are not speaking, please mute your telephone.

13. **To Participate by Computer.** Any member of the public or Participant who wishes to participate in the public rulemaking hearing by computer must use a computer that is connected to the internet and has a microphone and a speaker. At the time of the hearing, please go to <https://global.gotomeeting.com/join/490889869>. When you are not speaking, please mute your microphone. Attachment A contains detailed instructions for participating in the hearing using GoToMeeting

14. The ALJ anticipates that the hearing will be webcast, consistent with Commission practice. This means that those persons wishing to observe the hearing may do so without needing to join the hearing online. Please use the audio or video connection for Hearing Room A found at <https://puc.colorado.gov/webcasts>.

II. **ORDER**

A. **It Is Ordered That:**

1. Additional written comments from interested persons on the proposed amendments Rules 6500 through 6514 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 shall be due on or before August 7, 2020.

2. A remote public rulemaking hearing is scheduled as follows:

DATE: August 17, 2020

TIME: 9:30 a.m. until concluded

METHOD: Remote hearing via GoToMeeting

3. Members of the public or Participants in the previous hearing who wish to participate in and/or to provide oral comments at the remote public rulemaking hearing, must follow the instructions stated above in Paragraphs 12, 13, and 14 of this Interim Decision and in Attachment A.

4. Members of the public should not attend the public rulemaking hearing in-person.

5. All Participants must comply with the requirements in Attachment A to this Decision, which is incorporated herein.

6. The Administrative Law Judge may schedule additional hearings, if necessary.

7. This Decision is effective immediately.

(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