

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-0128TR

IN THE MATTER OF THE PETITION OF C. J. JOHNSON TO REVERSE AN INITIAL
DRIVER DISQUALIFICATION DETERMINATION PURSUANT TO RULE 6105 OF 4
CODE OF COLORADO REGULATIONS 723-6.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
VACATING HEARING AND
SETTING PREHEARING CONFERENCE**

Mailed Date: July 14, 2020

I. STATEMENT

1. On March 27, 2020, Petitioner C.J. Johnson filed a Petition to reverse an initial determination of driver disqualification pursuant to Commission Rule 6105 of 4 *Code of Colorado Regulations* (CCR) 723-6, Rules Regulating Transportation by Motor Vehicle.

2. On April 15, 2020, the matter was referred to an Administrative Law Judge (ALJ).

3. On April 21, 2020, Trial Staff of the Commission (Staff) timely filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401. The intervention is of right, and Staff is a party in this matter.

4. On April 23, 2020, by Decision No. R20-0294-I, an evidentiary hearing was scheduled for July 21, 2020.

5. On June 26, 2020, by Decision No. R20-0467-I, a remote status conference was scheduled for July 6, 2020, to discuss procedures for the evidentiary hearing.

6. On July 6, 2020, prior to the scheduled remote status conference, Ms. Johnson advised the Commission that due to an illness she would be unable to appear at the status conference.

7. Informal communications were held via email during the week of July 7, 2020, between the ALJ, Ms. Johnson and Ms. Whitman representing Staff. Mrs. Johnson requested that the evidentiary hearing scheduled for July 21, 2020 proceed as scheduled. The ALJ advised the parties that for the evidentiary hearing not to be vacated it would be necessary to hold a remote status conference during the week of July 13, 2020 in order to go over procedures to hold a remote hearing.¹

8. Parties were advised to provide the ALJ with their availability for a status conference before July 13, 2020. On July 10, 2020, Ms. Whitman provided all parties, including the ALJ, Staff's availability for a status conference. As of the date of this decision Ms. Johnson has not responded with her availability for the status conference.

9. The undersigned does not believe there is sufficient time to hold a status conference prior to the evidentiary hearing scheduled for July 21, 2020. There are also questions about the health of the petitioner and her ability to move forward currently. Therefore, the July 21, 2020 evidentiary hearing shall be vacated.

10. The ALJ will schedule a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* 723-1, of the Commission's Rules of Practice and Procedure. At the remote prehearing conference, an evidentiary hearing will be scheduled. Due to the health of the Petitioner the hearing shall not be rescheduled at this time.

¹ The Commission offices are currently closed due to the Covid-19 pandemic.

11. The remote prehearing conference will be held using the web-hosted video conferencing service, GoToMeeting. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code will be provided to the parties by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.

12. Information and direction on using GoToMeeting to attend the hearing is provided in Attachment A to this Decision. The ALJ strongly encourages the parties to test their ability to use GoToMeeting *before* the remote prehearing conference.

13. *All parties are on notice that* failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing scheduled for July 21, 2020 is vacated.
2. Consistent with the above discussion, a remote prehearing conference is scheduled as follows:

DATE: September 10, 2020

TIME: 9:00 a.m.

METHOD: By video conference using GoToMeetings at link provided to parties by email

3. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

4. Attachment A is incorporated into this Decision.
5. 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