

Decision No. R04-0603

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-192CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

RONALD SCOTT DILLER,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION FOR
CONTINUANCE, IN PART,
AND RE-SCHEDULING HEARING**

Mailed Date: June 7, 2004

I. STATEMENT

1. The captioned proceeding was initiated on or about April 7, 2004, when the Staff of the Colorado Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice (CPAN) No. 28499 to the Respondent, Ronald Scott Diller (Diller). A copy of CPAN No. 28499 was personally served on Diller by the Boulder County Sheriff's Office on April 9, 2004.

2. On May 11, 2004, the Commission issued an Order Setting Hearing and Notice of Hearing scheduling this matter for hearing on June 14, 2004, at the Commission's offices in Denver, Colorado.

3. On June 7, 2004, the Commission received an electronic message (e-mail) from Diller requesting that the hearing be postponed. This message was forwarded to the undersigned

administrative law judge and the Enforcement Officer who issued CPAN No. 28499 on that date. It will be construed as a Motion for Continuance.

4. In light of the fact that the hearing date is imminent and that Diller is not currently represented by legal counsel, a waiver of the requirements of Rule 7 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-7 (Rule 7), will be granted and the Motion for Continuance will be considered.¹

5. The Motion for Continuance requests that the hearing "be delayed for at least a couple of months." As grounds for this request, Diller states that the June 14, 2004, hearing date interferes with the date he is starting a new job. He also states that he is awaiting receipt of information from others that is pertinent to his defense of CPAN No. 28499.

6. Staff has informally indicated that it does not object to a short continuance of the hearing.

7. Good grounds having been shown, the Motion for Continuance will be granted, in part. The current hearing date will be vacated. However, the Motion for Continuance does not set forth sufficient grounds for the requested two-month postponement of the hearing. The Commission's policy is to process civil penalty assessment matters on a more expedited basis. Therefore, the matter will be rescheduled for hearing on July 15, 2004, commencing at 1:00 p.m.

¹ Diller is advised that Rule 7 does not authorize the filing of pleadings electronically. Therefore, any future pleadings submitted in this matter must be filed and served in accordance with Rule 7. Any future pleadings not filed and served in accordance with the Commission's applicable procedural rules will be stricken.

No further requests by Diller to continue the hearing will be granted absent extraordinary circumstances.²

II. ORDER

A. It Is Ordered That:

1. The hearing of this matter scheduled for June 14, 2004, is vacated.
2. This matter is re-scheduled for hearing as follows:

DATE: July 15, 2004
TIME: 1:00 p.m.
PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2
Denver, Colorado

3. This Order shall be effective immediately.

² Diller has provided the following physical address to the Commission for purposes of serving pleadings and Orders in this matter: 1700 22nd Street, No. 100, Boulder, Colorado 80302. In accordance with applicable Commission rules, a copy of this Order is being mailed to Diller at that address. However, Diller has apparently advised Staff that he has either relocated or plans to do so in the near future. Therefore, as a courtesy, a copy of this Order is also being forwarded to Diller at his e-mail address, ronalddiller@yahoo.com. All future Orders issued in this matter will be mailed to the above physical address unless and until Diller advises the Commission of his new physical address.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge