

Decision No. R04-1162

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-441TO

ARKADIUSZ NOWAKOWSKI,

COMPLAINANT,

V.

DILLON TOWING AND RECOVERY,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
DISMISSING COMPLAINT
AND CLOSING DOCKET**

Mailed Date: October 6, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On August 23, 2004, Arkadiusz Nowakowski (Complainant) filed a complaint naming Dillon Towing and Recovery as Respondent.

2. On August 26, 2004, the Commission issued an Order to Satisfy or Answer.

3. The hearing of this matter was scheduled for October 5, 2004. Proper notice of the hearing date and time was given to the parties.

4. The hearing was called as scheduled. Complainant and Respondent failed to appear at the hearing.

5. Complainant, who has the burden of proof, failed to prosecute the complaint. Therefore the complaint will be dismissed and the docket closed.

6. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission adopt the following order.

II. ORDER

A. The Commission Orders That:

1. The complaint of Arkadiusz Nowakowski v. Dillon Towing and Recovery is dismissed.

2. Docket No. 04F-441TO is closed.

3. 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.

4. 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.

5. 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge