

Decision No. R14-0117

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0052-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S)
AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL
RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008
OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
DISMISSING COMPLAINT AGAINST KID GLOVES**

Mailed Date: January 31, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. The case against Respondent Kid Gloves LLC (Kid Gloves) was instituted by Order of Summary Suspension and Complaint and Notice of Suspension and Hearing (Complaint) issued by the Commission Director and served upon Kid Gloves on December 20, 2013 by United States mail at the most recent address on file with the Commission for Kid Gloves. Hearing Exhibits 1 and 2. At the same time, the Commission instituted Complaints against numerous other Respondents. *Id.* This Decision does not implicate the other Respondents.

2. The Complaint alleges that the Commission received notice from Kid Gloves' insurance or surety company of the cancellation of Kid Gloves' general liability insurance (form GL), policy no. GL3740920 as of December 31, 2013. Hearing Exhibit 2. The Complaint summarily suspends Kid Gloves' authority, PUC No. HHG-00256 for failing to maintain proper

evidence of insurance or surety coverage on file with the Commission. *Id.* The Complaint seeks to permanently revoke Kid Gloves' authority for the same reason.

3. The Complaint provided notice of the date, time, and location of the hearing regarding the Complaint. At the designated date, time, and location, January 14, 2014 at 12:00 p.m., the undersigned Administrative Law Judge (ALJ) called the matter for hearing in a Commission Hearing Room, at 1560 Broadway, Suite 250, Denver, Colorado.

4. Commission Staff member Vanessa Condra appeared through counsel and testified on behalf of the Staff of the Commission (Staff). Mr. Ron Simpson appeared and testified on behalf of Kid Gloves. The ALJ has previously ordered that Mr. Simpson, a non-attorney, may represent Kid Gloves. Decision No. R14-0053-I.

5. After that hearing, the ALJ found that Mr. Simpson had made efforts to ensure the required proof of insurance was filed with the Commission. *Id.* The ALJ determined that under the circumstances, it was appropriate to continue the hearing on the Complaint against Kid Gloves to January 28, 2014, at which time evidence could be presented regarding the current status of Kid Gloves's proof of insurance. *Id.*

6. At the date, time, and location scheduled, the ALJ convened the continued hearing on the Complaint against Kid Gloves. Ms. Vanessa Condra appeared and testified on behalf of Staff. No person appeared on behalf of Kid Gloves.

7. Ms. Condra testified that proof of insurance was filed on behalf of Kid Gloves with the Commission showing proof of currently effective insurance as required by the Commission's rules. Given this change, Staff requested that the Complaint against Kid Gloves be dismissed.

8. Pursuant to § 40-6-109, C.R.S., the Administrative Law Judge transmits to the Commission the bifurcated record of this proceeding, this recommended decision containing findings of fact and conclusions thereon, and a recommended order.

II. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the Order of Summary Suspension and Complaint and Notice of Suspension and Hearing (against Respondent Kid Gloves LLC is dismissed.

2. Proceeding No. 14C-0052-INS is closed.

3. 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.

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.

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.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Doug Dean'.

Doug Dean,
Director