

Decision No. R14-0146-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-0045TO

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

MC BIGGS, INC., DOING BUSINESS AS, AUTOMATIC RECOVERY TOWING,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
SETTING HEARING**

Mailed Date: February 6, 2014

I. STATEMENT

1. The captioned proceeding was initiated on January 9, 2014, when the Staff of the Colorado Public Utilities Commission (Commission) issued Civil Penalty Assessment Notice (CPAN) No. 107848 to MC Biggs, Inc., doing business as Automatic Recovery Towing (Respondent), alleging one violation of 4 *Code of Colorado Regulations* (CCR) 723-6-6508(b)(I) of the Commission's Rules Regulating Transportation by Motor Vehicle, for failure to obtain proper authorization to tow a vehicle. The total amount of the civil penalty assessment for the violation of 4 CCR 723-6-6508(b)(I) is \$1,210.00. Respondent was served with a copy of CPAN No. 107848 on January 10, 2014 by certified mail, return receipt requested.

2. On February 3, 2014, Staff of the Commission filed its entry of appearance in this matter through its legal counsel, the Office of the Colorado Attorney General.

3. On February 5, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

4. CPAN No. 107848 provides that if Respondent wishes to contest the allegations contained therein, or if Respondent does not pay the penalty amount within 10 days of its receipt of the CPAN, Respondent is obliged, within 15 days of such receipt, to contact the Commission to set the matter for hearing. In the absence of such a contact, CPAN No. 107848 provides that it will become a Complaint to Appear Notice and that the Commission will set a hearing date without regard to Respondent's wishes.

5. Respondent failed to respond to the CPAN by indicating it admits that it violated the Commission Rules indicated by paying the civil penalty assessment within the time periods specified in CPAN No. 107848; nor has Respondent contacted the Commission to set a hearing date regarding the alleged violations contained in CPAN No. 107848. Therefore, it is appropriate to set this matter for hearing. The hearing in this matter will be set for Wednesday, March 19, 2014. If Respondent pays the full civil penalty amount of \$1,210.00 prior to March 19, 2014, the hearing in this matter will be vacated.

II. ORDER

A. It Is Ordered That:

1. An evidentiary hearing regarding Civil Penalty Assessment Notice No. 107848 is scheduled as follows:

DATE: March 19, 2014
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director