

Decision No. R14-0222-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0125TO

CHARLES SNYDER,

COMPLAINANT,

V.

RANDY'S HIGH COUNTRY TOWING, INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING TELEPHONE
PREHEARING CONFERENCE**

Mailed Date: February 28, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On February 6, 2014, Charles Snyder filed a formal Complaint (Complaint) against Randy's High Country Towing, Inc. (Respondent).

2. On February 11, 2014, the Public Utilities Commission (Commission) issued an order to Respondent to answer or satisfy the Complaint. At the same time, the Commission scheduled the matter for an evidentiary hearing for March 24, 2014 at 9:00 a.m.

3. On February 19, 2014, the Commission referred this proceeding for disposition to an Administrative Law Judge (ALJ).

4. On February 21, 2014, Respondent filed an Answer to the Complaint.

5. In anticipation of the hearing on the merits of the Complaint, the undersigned ALJ is scheduling a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

6. At the prehearing conference, the ALJ will provide the parties with information relating to the procedural aspects of the hearing on the merits of the Complaint. Moreover, the ALJ will address issues relating to the parties' representation in this proceeding.

7. In particular, Rule 1201(a) of the Rules of Practice and Procedure, 4 CCR 723-1, requires that all parties in Commission proceedings be represented by an attorney in good standing before the Colorado Supreme Court. Several exceptions to this requirement exist. *See* Rule 1201(b), 4 CCR 723-1. For example, an individual may represent his or her own interests, and a closely held entity, (an entity owned by less than three owners), may be represented by a non-attorney after demonstrating its eligibility to do so, in accordance with the requirements of § 13-1-127(2), C.R.S. *Id.* That statute requires that an officer may represent a closely-held entity before an administrative agency if **both** of the following conditions are met: (a) the amount in controversy does not exceed \$15,000; **and** (b) the officer provides the administrative agency with evidence, satisfactory to the agency, of the officer's authority to represent the closely-held entity.¹ Given that Respondent does is not an individual representing his own interests, if Respondent wishes to be represented by a non-attorney in this proceeding, it must present evidence at the prehearing conference which establishes its entitlement to do so, as required by Rule 1201(b)(II), 4 CCR 723-1, and § 13-1-127(2), C.R.S.

¹ As pertinent here, § 13-1-127(2.3), C.R.S., states that an officer of a corporation "shall be presumed to have the authority to appear on behalf of the closely held entity upon providing evidence of the person's holding the specified office or status[.]"

8. The prehearing conference will be held by telephone. **To appear by telephone, the party should dial (303) 869-0599 at the designated date and time.** Dialing this number will connect the party into the hearing room without further action. Should any party have difficulty dialing into the hearing, the party should call **(303) 894-2007** for assistance.

9. All parties are expected to appear at the prehearing conference by telephone.

10. **The parties are advised and are on notice** that failure to appear at the prehearing conference may result in dismissal of the Complaint without prejudice, or a decision granting the Complainant the relief sought in the Complaint.

11. **All parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1, Part 1 and the Rules Regulating Transportation by Motor Vehicle found at 4 CCR 723-6, Part 6. The ALJ expects the parties to comply with the Rules of Practice and Procedure. Both sets of rules are available on the Commission's website at www.dora.colorado.gov/puc and in hard copy from the Commission.

II. ORDER

A. **It Is Ordered That:**

1. A telephone prehearing conference is scheduled as follows:

DATE: March 10, 2014

TIME: 1:00 p.m. MST

PLACE: Telephonic hearing, dial **(303) 869-0599**

2. This Decision is effective immediately.

(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