

Decision No. R14-0245-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-0085EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

ROBERT JAMES DUDASH III IN HIS OFFICIAL CAPACITY AS
OWNER/OPERATOR/MANAGER OF 24/7 TRANSPORTATION, AND
24/7 TRANSPORTATION, LLC,

RESPONDENT.

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

Mailed Date: March 5, 2014

I. STATEMENT

1. The captioned proceeding was initiated on January 21, 2014, when the Staff of the Colorado Public Utilities Commission (Commission) issued Civil Penalty Assessment Notice (CPAN) No. 108277 to Robert James Dudash III in his official capacity as owner/operator/manager of 24/7 Transportation LLC and 24/7 Transportation, LLC (Respondent), alleging one violation of operating or offering to operate as a common carrier in intrastate commerce without a Commission certificate in violation of § 40-10.1-201(1), C.R.S.; and, one violation of failure to maintain and file with the Commission evidence of financial responsibility in sum, and in such form as the Commission may require in violation of

§ 40-10.1-107(1), C.R.S. The total amount of the civil penalty assessment for the above violation is \$13,310.00. Respondent was served with a copy of CPAN No. 108277 on January 21, 2014 by personal service.

2. On February 10, 2014, Staff of the Commission filed its entry of appearance in this matter through the Colorado Attorney General's Office.

3. On February 13, 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. 108277 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. 108277 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 law indicated by paying the civil penalty assessment within the time periods specified in CPAN No. 108277; nor has Respondent contacted the Commission to set a hearing date regarding the alleged violations contained in CPAN No. 108277. Therefore, it is appropriate to set this matter for hearing. The hearing in this matter will be set for Thursday, March 27, 2014. If Respondent pays the full civil penalty amount of \$13,310.00 prior to March 27, 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. 108277 is scheduled as follows:

DATE: March 27, 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