

Decision No. R14-0276-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0129E

ANN MARIE DAMIAN AND JOHN M. TAYLOR, JR.,

COMPLAINANTS,

V.

MOUNTAIN PARKS ELECTRIC, INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
VACATING EVIDENTIARY HEARING AND
SETTING PRE-HEARING CONFERENCE**

Mailed Date: March 12, 2014

I. **STATEMENT**

A. Background

1. On February 12, 2014, Ann Marie Damian and John M. Taylor, Jr. (Complainants) filed a Formal Complaint against Mountain Parks Electric, Inc. (Respondent). Complainants allege that Respondent's increase of its Time of Use rates, as well as other rates, was improper and without proper notice to its customers. Complainants also allege that the off-peak hours originally established by Respondent were improperly curbed. Finally, Complainants allege that Respondent improperly elected members to its Board of Directors without a proper quorum of co-operative members in attendance at annual meetings where the elections took place. Complainants provide no claim for specific relief in the Formal Complaint.

2. On March 4, 2014, Respondent filed its Answer to the Complaint in the form of a Response. Respondent denies any allegations of wrongdoing on its part. In addition, Respondent asserts several defenses including failure of Complainant to comply with statutory requirements regarding cooperative electric associations; the Commission may not impose requirements on Respondent regarding member voting rules; the Complaint is barred by applicable statutes of limitation and “any other applicable rule of equity for failure to timely pursue these claims;” and, that the Complaint is barred by *res judicata* and collateral estoppel because the issues raised have been decided in a previous Commission proceeding. Respondent also seeks to recover its costs and reasonable attorney’s fees.

3. Because Respondent did not file a formal motion to dismiss the Complaint regarding the several claims and defenses it raises in its Response, the matter will proceed accordingly. Therefore, it is appropriate to schedule a pre-hearing conference in this proceeding in order to more readily define the scope of the claims asserted by Complainant, and to set dates for a procedural schedule, including a date for an evidentiary hearing. A pre-hearing conference will be scheduled for Wednesday March 26, 2014. The hearing scheduled for March 31, 2014 is vacated.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing scheduled for March 31, 2014 is vacated.

2. A pre-hearing conference in this proceeding is scheduled as follows:

DATE: March 26, 2014

TIME: 1:30 p.m.

PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado 80202

3. This Decision is 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