

Decision No. R14-0399-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
PAUL C. GOMEZ
SETTING EVIDENTIARY HEARING**

Mailed Date: April 14, 2014

I. STATEMENT

1. The captioned proceeding was initiated on February 6, 2014, when the Charles Snyder (Complainant) 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 matter to an Administrative Law Judge (ALJ) for disposition. The matter was originally assigned to ALJ Mirbaba. The matter was subsequently assigned to the undersigned ALJ.

4. On February 21, 2014, Respondent filed an Answer to the Complaint.
5. By Decision No. R14-0223-I issued February 28, 2014, the ALJ ordered that Mr. Snyder may appear by telephone at the March 24, 2014 hearing on the merits of the Complaint, as he requested in his Complaint.
6. By Interim Decision No. R14-0222-I issued March 28, 2014, a pre-hearing conference was set for March 10, 2014. The parties were allowed to appear by telephone.
7. Based upon Complainant's failure to appear at the prehearing conference, the ALJ issued Interim Decision No. R14-0268-I issued March 11, 2014, requiring Complainant to make a filing by March 18, 2014 showing cause why the Complaint should not be dismissed for Complainant's failure to appear.¹ The ALJ vacated the March 24, 2014 hearing date based upon Complainant's failure to appear at the prehearing conference.
8. According to Interim Decision No. R14-0311-I issued March 21, 2014, the ALJ convened the prehearing conference by telephone at the date and time designated, March 10, 2014 at 1:00 p.m. MST. Mr. Scott Gault, a non-attorney, appeared by telephone on behalf of Respondent. Neither Mr. Snyder nor anyone representing Mr. Snyder appeared at the prehearing conference (by telephone or in person).
9. Now, an evidentiary hearing in this formal Complaint will be set for **Thursday, May 22, 2014**. While Complainant previously requested to appear by telephone at the hearing, that request will be denied. As the party bringing the Complaint, it is incumbent upon Complainant to appear to face Respondent in person and offer testimony and evidence regarding

¹ At the same time, the ALJ ordered Respondent to make a filing showing that Respondent's owners authorize and request that Mr. Gault represent Respondent in this proceeding. *Id.* Respondent was required to make this filing only if Complainant makes the required show cause filing.

the allegations claimed by Complainant. Respondent has the right to face its accuser and question Complainant regarding the allegations. Therefore, Complainant will be required to appear in person at the evidentiary hearing.

10. Complainant is on notice that failure to appear at the evidentiary hearing will result in dismissal of the formal Complaint.

II. ORDER

A. It Is Ordered That:

1. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: May 22, 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

Doug Dean,
Director