

Decision No. R14-0843-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-0552TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

WILLIAM WEIHTROUCH, DOING BUSINESS AS DENVERPARKING.COM,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, STAYING PROCEDURAL
SCHEDULE, REQUIRING FILING, AND
WAIVING RESPONSE TIME TO MOTION**

Mailed Date: July 17, 2014

I. STATEMENT

1. On May 27, 2014, the Commission appears to have served, by certified mail (return receipt requested), Civil Penalty Assessment Notice or Notice of Complaint No. 108765 (the CPAN) on William Weihrouch. The CPAN commenced this Proceeding.

2. The CPAN states that Mr. Weihrouch, doing business as denverparking.com, holds PUC Authority No. T-03312. The CPAN names Mr. Weihrouch, doing business as denverparking.com (Weihrouch or Respondent), as the Respondent.

3. On June 18, 2014, counsel for Trial Staff of the Commission (Staff) entered their appearance in this Proceeding. In that filing and pursuant to Rule 4 *Code of Colorado*

Regulations 723-1-1007(a),¹ Staff counsel identified the trial Staff and the advisory Staff in this Proceeding.

4. Staff and Respondent, collectively, are the Parties. Staff appears through legal counsel. Respondent appears *pro se*.²

5. On June 18, 2014, by Minute Order, the Commission assigned this Proceeding to an Administrative Law Judge (ALJ).

6. On July 9, 2014, by Decision No. R14-0790-I, the ALJ scheduled a September 10, 2014 evidentiary hearing and established the procedural schedule in this Proceeding.

7. Pursuant to the established procedural schedule, Staff is to file, not later than July 18, 2014, its list of witnesses in its direct case and complete copies of the exhibits that it will offer in its direct case.

8. On July 16, 2014, Staff filed a Motion to Stay Deadlines Pending Filing of Motion to Consolidate Proceeding No. 14G-0552TO with Proceeding Nos. 14G-0739TO and 14G-0744TO [Motion for Stay] and to Waive Response Time [Motion to Waive].

9. In the Motion to Waive, Staff seeks a waiver of the response time to the Motion for Stay. The ALJ finds that Staff seeks good cause for the relief sought and that granting the Motion to Waive will not prejudice any party. The ALJ will grant the Motion to Waive and will waive response time to the Motion for Stay.

10. As good cause for granting the relief sought in the Motion for Stay, Staff states: (a) at present, there is a procedural schedule in this instant Proceeding; (b) at present, there are

¹ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations 723*.

² In Decision No. R14-0678-I at ¶ 11, the ALJ advised Mr. Weihrouch of the standards to which he will be held. This Interim Decision was issued on June 23, 2014.

two other pending CPANs that involve Mr. Weihrouch and that have facts similar to those that underpin the allegations in the instant Proceeding; (c) Staff may seek to consolidate the instant Proceeding with one or both of the proceedings involving those other CPANs; and (d) not later than July 31, 2014, assuming that it decides to go forward with consolidation, Staff will move for consolidation. Staff asserts that staying the procedural schedule in this Proceeding to allow for the filing of a motion for consolidation will serve administrative efficiency and will reduce the burden on the Commission and the Parties.

11. The ALJ finds that the Motion for Stay states good cause to stay the procedural schedule established in Decision No. R14-0790-I. The ALJ will grant the Motion for Stay; will stay the procedural schedule pending further order; and will order the following: not later than **July 31, 2014**, Staff *either* must file a motion to consolidate Proceeding No. 14G-0552TO with Proceeding No. 14G-0739TO or Proceeding No. 14G-0744TO (or both) *or* must file a statement that it does not intend to file a motion to consolidate.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the Motion to Stay Deadlines Pending Filing of Motion to Consolidate Proceeding No. 14G-0552TO with Proceeding Nos. 14G-0739TO and 14G-0744TO is granted.

2. The procedural schedule established in Decision No. R14-0790-I is stayed pending further order.

3. Not later than July 31, 2014, Staff of the Commission either shall file a motion to consolidate Proceeding No. 14G-0552TO with Proceeding No. 14G-0739TO or

Proceeding No. 14G-0744TO (or both) or shall file a statement that it does not intend to file a motion to consolidate.

4. The Motion to Waive Response Time is granted.

5. Response time to the Motion to Stay Deadlines Pending Filing of Motion to Consolidate Proceeding No. 14G-0552TO with Proceeding Nos. 14G-0739TO and 14G-0744TO is waived.

6. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

7. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director