

Decision No. R14-1157-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-0205TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

MICHAEL LEACH, DOING BUSINESS AS ACE TOWING,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING HEARING AND DEADLINES**

Mailed Date: September 18, 2014

I. STATEMENT

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On March 5, 2014, Commission Staff (Staff) of the Public Utilities Commission (Commission) filed Civil Penalty Assessment Notice (CPAN) No. 108810 against Michael Leach, doing business as Ace Towing (Respondent) seeking to assess civil penalties against Respondent, for violation of Colorado statutes and Commission Rules.

3. On March 26, 2014, the Commission referred the CPAN to an administrative law judge (ALJ) for disposition.

4. This matter is scheduled for an evidentiary hearing for October 27 and 28, 2014.

Decision No. R14-0941-I.

5. On September 17, 2014, Staff filed a “Notice of Agreement in Principle and Unopposed Motion to Vacate Hearing Dates and Related Prehearing Deadlines” (Motion). The Motion indicates the parties have reached a settlement in principle and will be filing a settlement agreement within two weeks. Because the parties have reached an agreement, they request that the hearing and all related procedural deadlines be vacated. The Motion indicates that Staff conferred with Respondent, and that Respondent does not object to the relief sought by the Motion.

6. As the Motion is unopposed, the ALJ finds good cause to *sua sponte* waive the response time to the Motion. Rule 1400(b) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

7. The ALJ finds that Staff has shown good cause to vacate the procedural deadlines and hearing dates. The ALJ will grant the Motion.

8. However, to ensure the efficient resolution of this matter, the ALJ will also set a deadline for the parties to file their settlement agreement.¹

II. **ORDER**

A. **It Is Ordered That:**

1. The hearing on the merits of the Civil Penalty Assessment Notice in this matter currently scheduled for October 27 and 28, 2014 is vacated.

2. All deadlines set by Decision No. R14-0941-I are vacated.

3. On or by 5:00 p.m. MST on October 10, 2014, the parties shall file their settlement agreement in this proceeding.

¹ Unless a deadline is set, it is not uncommon that parties fail to make filings when promised. Setting a deadline offers the parties appropriate motivation to finalize and file their agreement in a timely manner.

4. 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