

Decision No. R14-1436-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0999TO

LETICIA VORHIES,

COMPLAINANT,

V.

MILE HIGH TOWING & RECOVERY, INC.

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
RE-SETTING HEARING;
REQUIRING FILING FROM COMPLAINANT;
AND ORDERING STAFF TO AMEND CAPTION**

Mailed Date: December 4, 2014

I. STATEMENT

1. The captioned proceeding was initiated on October 2, 2014, when Leticia Vorhies (Complainant) filed a Formal Complaint (Complaint) against Mile High Towing (Respondent).
2. On October 6, 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 December 16, 2014 at 9:00 a.m.
3. On October 15, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

4. A review of the Order to Satisfy or Answer shows that while the Order required Respondent to either satisfy the matters in the Formal Complaint or to answer the Formal Complaint in writing within 20 days, it did not contain a date in the attestation paragraph. As a result, it cannot be readily determined when the Order to Satisfy or Answer was served on Respondent or when the 20-day time period began to run.

5. By Interim Decision No. R14-1252-I, issued October 16, 2014, a date for Respondent to satisfy or answer the Complaint was established for 20 days after the effective date of the Decision, or November 5, 2014. In addition, the evidentiary hearing scheduled for December 16, 2014 was vacated and was to be rescheduled at a time after Respondent had the opportunity to respond to the Complaint.

6. On October 24, 2014, Respondent filed its Response to the Complaint in which Respondent denies all allegations contained in the Complaint. As a result, it is now appropriate to set this matter for hearing.

7. An evidentiary hearing was scheduled for December 4, 2014 by Interim Decision No. R14-1380-I, issued on November 17, 2014. At the scheduled date and time, the hearing was convened. However, no party was in appearance at that time. After a 15-minute recess, the hearing was reconvened, at which time, Respondent entered its appearance.

8. After reviewing the record, it was noted that Complainant may not have been served with Interim Decision No. R14-1380-I so it was not possible to determine whether Complainant was aware of the scheduled hearing date.

9. Out of an abundance of caution, the hearing in this matter will be re-scheduled. An evidentiary hearing on the allegations contained in the Complaint will be scheduled for

Tuesday, January 6, 2015. At that time, the parties are to come prepared to offer testimony and evidence to support each party's position.

10. In addition, Complainant will be required to file with the Commission, and serve a copy on Respondent, no later than December 12, 2014, a pleading indicating whether Complainant intends to go forward with prosecuting its complaint case. Should Complainant fail to make such a filing, the Complaint will be dismissed.

11. If a party wishes to submit evidence into the record, it must provide three copies, one copy for the official record, one copy for the ALJ, and one copy for the other party. The official copy must be marked and identified by the court reporter prior to offering it into evidence.

12. Each party is representing itself in this matter. Each party is advised that despite the fact that it is representing its own interests at hearing, each party will nonetheless be held to the same standards as an attorney would be held at hearing. It is advised that each party familiarize itself with the Commission's Rules of Practice and Procedure 4 *Code of Colorado Regulations 723-1-1000, et seq.*¹

13. Finally, the caption in this proceeding incorrectly identifies Respondent as Mile High Towing. This is incorrect. The Respondent's correct title is Mile High Towing & Recovery, Inc. Commission Staff is ordered to amend the caption to reflect Respondent's correct title.

¹ The Commission's Rules of Practice and Procedure may be found on the Commission's website at www.dora.colorado.gov/puc

II. ORDER

A. It Is Ordered That:

1. A hearing in this proceeding is scheduled as follows:

DATE: January 6, 2015

TIME: 9:00 a.m.

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

2. Complainant, Leticia Vorhies shall file with the Commission, and serve a copy upon Respondent, no later than December 12, 2014, a pleading indicating whether Complainant intends to go forward with prosecuting its complaint case.

3. Should Complainant fail to make such a filing by December 12, 2014, the Complaint will be dismissed.

4. The parties will be held to the advisements in this Decision.

5. Commission Staff is ordered to amend the caption of this proceeding to indicate Respondent's correct title as Mile High Towing & Recovery, Inc.

6. 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