

Decision No. R20-0098-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0485TR

IN THE MATTER OF THE PROPOSED RULES REGULATING VEHICLE BOOTING COMPANIES, 4 CODE OF COLORADO REGULATIONS 723-6.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
SCHEDULING HEARING AND SETTING
DEADLINE FOR ADDITIONAL WRITTEN COMMENTS**

Mailed Date: February 13, 2020

I. STATEMENT

A. Background

1. On September 12, 2019, the Public Utilities Commission (Commission) issued the Notice of Proposed Rulemaking (NOPR) that commenced this proceeding.¹ In the NOPR, the Commission proposed to adopt rules that permanently implement the requirement in Senate Bill 19-236 for the Commission to regulate Vehicle Booting Companies. The purpose of Rules 6806 through 6819 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is to preserve the health, safety, welfare, and property of the public. As stated in the NOPR, the Commission made the proposed rules, provided with the NOPR in legislative (*i.e.*, ~~strikeout~~/underline) format and in final format, available to the public through the Commission's Electronic Filings system. Finally, the Commission established October 11, 2019 as the deadline for written comments filed by members of the public, scheduled a hearing for October 28, 2019, and referred this proceeding to

¹ See Decision No. C19-0748.

an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. The following members of the public filed comments before the October 11, 2019 deadline established in the NOPR: Owner-Operator Independent Drivers Association, Inc., Wyatt's Towing, Towing Done Right, LLC (Towing Done Right), Colorado Booting, Colorado Security Services, doing business as Colorado Parking Services, and Dark Sky LLC (Dark Sky).

3. The ALJ held the public comment hearing on October 28, 2018 starting at 9:00 a.m. On that day, state government offices in the Denver Metro Area, including the Commission, delayed their opening until 10:00 a.m. due to inclement weather. As a result, the ALJ convened the hearing at 9:00 a.m., but then took a recess until 10:00 a.m. At that time, representatives of Towing Done Right, Colorado Booting, Dark Sky, and Wyatt's Towing attended the hearing. No other person or entity presented written or oral comments at the hearing.

4. On December 3, 2019, the ALJ issued Recommended Decision No. R19-0961 and attached the rules in redline legislative format and in final format.

5. Colorado Booting LLC and Towing Done Right filed exceptions to Recommended Decision No. R19-0961 on December 23, 2019. Towing Done Right attached seven exhibits to its exceptions. According to the Commission, “[b]oth the exceptions and attachments offer some information that is new to this proceeding.”²

² Decision No. C20-0083 issued in Proceeding No. 19R-0485TR on February 7, 2020 at 2 (¶ 3).

6. On February 7, 2020, the Commission issued Decision No. C20-0083 that granted the exceptions and remanded the proceeding “so that the ALJ can consider the information and arguments presented in the exceptions.”³ Citing the inclement weather on the day of the public comment hearing held on October 28, 2019, Decision No. C20-0083 “direct[ed] the ALJ to hold an additional public comment hearing to discuss the issues and information presented in these exceptions.”⁴

B. Public Comment Hearing

7. A further public comment hearing shall be held on April 2, 2020.

C. Additional Written Comments

8. Interested persons may file additional written comments on or before March 16, 2020.

II. ORDER

A. It Is Ordered That:

1. This Interim Decision shall be filed with the Colorado Secretary of State for publication in the February 25, 2020 edition of *The Colorado Register*.

2. A hearing on the proposed rules and related matters shall be held as follows:

DATE: April 2, 2020
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
Suite 250
1560 Broadway
Denver, Colorado

3. Additional hearings may be set, if necessary.

³ *Id.* at 2 (¶ 5).

⁴ *Id.* at 2-3 (¶ 5).

4. Interested persons may file written comments on or before March 16, 2020.
5. The Commission prefers and encourages interested persons to submit comments through its Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this proceeding.
6. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director