

**COLORADO****Department of
Regulatory Agencies**

Public Utilities Commission

Eric Blank, Chairman
John Gavan, Commissioner
Megan M. Gilman, Commissioner
Doug Dean, Director

Patty Salazar, Executive Director
Jared S. Polis, Governor

March 28, 2022

Clive Akinsola
4699 Kittredge Street Unit 713
Denver, CO 80239

RE: Proceeding No. 22F-0082TO
Clive Akinsola VS. Private Parking Enforcement

To Whom It May Concern:

Your formal complaint is set for hearing. I have enclosed a notice that tells you the date, time, and place of your hearing along with a copy of an "Order to Satisfy or Answer" that was sent to the utility company with a copy of your complaint.

If you are not represented by an attorney, it is important that you become familiar with the process of a formal complaint and how a formal PUC hearing is conducted. An enclosed publication, called "Formal Complaint Procedures", is designed to help you. It includes a pre-hearing procedures check list, a hearing procedures check list, a post-hearing procedures check list, and a glossary of terms.

Although the hearing may take place in a less formal setting than a courtroom, it is much like a court hearing or trial. An Administrative Law Judge (ALJ) will hear the case, and a court reporter will make a record of the proceeding.

If you have questions about any of the procedures explained in this publication, contact Harris Adams at 303-894-2840. He will not give you legal advice, but can answer your questions about the formal complaint process.

You should anticipate that the utility company will be represented by an attorney. As an individual, you may represent yourself. You will have to follow the same rules of evidence as the utility's attorney and you will have the same rights as the utility. The ALJ will see that a fair hearing is conducted, but cannot help one side or the other. There will be no one from the Commission to assist you at the hearing.

The burden is on you, as the complaining party, to prove your case. The utility is not required to defend itself or to present any evidence until you have presented evidence against it.

Sincerely,

Doug Dean
Doug Dean
Director

Colorado PUC E-Filings System



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22F-0082TO

CLIVE AKINSOLA,

COMPLAINANT,

V.

PRIVATE PARKING ENFORCEMENT,

RESPONDENT.

ORDER SETTING HEARING AND NOTICE OF HEARING

TO THE PARTIES IN THIS MATTER:

The Colorado Public Utilities Commission orders that the hearing in this matter is set before an Administrative Law Judge on:

DATE: May 3, 2022

TIME: 9:00 AM

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

At the above date, time and place you will be given the opportunity to be heard if you so desire.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DOUG DEAN, Director
Colorado Public Utilities Commission
1560 Broadway, Suite 250, Denver, Colorado 80202

Dated at Denver, Colorado this
28th day of March, 2022

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

DOUG DEAN, Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22F-0082TO

CLIVE AKINSOLA,

COMPLAINANT,

V.

PRIVATE PARKING ENFORCEMENT,

RESPONDENT. .

ORDER TO SATISFY OR ANSWER

YOU ARE NOTIFIED THAT A FORMAL COMPLAINT HAS BEEN FILED AGAINST YOU IN THE ABOVE ENTITLED AND CAPTIONED CASE. YOU ARE ORDERED TO SATISFY THE MATTERS IN THE COMPLAINT OR TO ANSWER THE COMPLAINT IN WRITING WITHIN 20 DAYS FROM SERVICE UPON YOU OF THIS ORDER AND COPY OF THE ATTACHED COMPLAINT.

IF THE COMPLAINT IS SATISFIED AND ADEQUATE EVIDENCE OF SATISFACTION IS PRESENTED TO THE COMMISSION, THE COMPLAINT SHALL BE DISMISSED. IF THE COMPLAINT IS NOT SATISFIED, OR IF ADEQUATE EVIDENCE OF ITS SATISFACTION IS NOT PRESENTED TO THE COMMISSION, OR IF NO ANSWER IS FILED WITHIN THE TIME REQUIRED, THE ALLEGATIONS OF THE COMPLAINT MAY BE DEEMED ADMITTED, AND THE COMMISSION MAY GRANT SO MUCH OF THE RELIEF SOUGHT IN THE COMPLAINT AS IS WITHIN ITS POWER AND JURISDICTION OR MAY SET THE COMPLAINT FOR HEARING.

BY ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSION of THE STATE OF COLORADO AT DENVER, COLORADO THIS MARCH 28, 2022.

(S E A L)



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

Doug Dean,
Director

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COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CASE NO. _____
(PUC use only)

COMPLAINT

1. The **Complainant(s)** is (are):

Name Clive Akinsola
Unit 713, Denver, CO 80239

Mailing Address (Include City and Zip Code) 4699 Kittredge St.
Daytime Phone No. 7089532552

E-mail address: cakinsol@yahoo.com

Is service address the same as mailing address? If not, list the service address:

Yes

2. The name and business address of each **Respondent** is:

Name: Private Parking Enforcement

Address: 4148 Josephine St., Denver, CO 80205

3. The specific act(s) or things complained of, with the necessary facts to give a full understanding of the situation, is (are). If this is a billing dispute, what is the disputed amount (not including requests for damages or compensation)?

On August 28th, 2021, I got a call from my spouse that someone had towed my car. I called the leasing office to ascertain why anyone would tow my car. The person on the line could not give a convincing reason why the vehicle got towed; all she said was it could be because it does not have a plate or parking permit.

When I got back from out of state on September 4th, 2021, I went to the leasing office to speak with one of the representatives about the car. She asked for the vehicle's details, which I gave, she said she was unsure, and I wondered how anyone could tow a car from the complex without your knowledge and permission. Nonetheless, she gave me the Tow company's number, and she said to call the number they will tell you about your car. I called the number, and the guy on the line said the leasing office gave the instruction to tow the vehicle, and I enquired by whom; he responded that I should ask the leasing office. He said that for me to get the car back, I had to pay, which I answered that I did not have the money; more so, I did not know the reasons for towing the car. I had to leave for out of state again after a few days.

When I got back towards the end of September, I called the tow company intending to retrieve my car. The lady on the line told me that they did not have the car; I was not sure what she meant by they do not have the vehicle. Also, in October 2021, I made several calls to establish the car's location but could

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not make any headway.

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I went back to the leasing office to report that the tow company said they did not have the vehicle. The leasing office could not establish who had the car and asked me to contact the police.

I contacted the Denver Police to report the incident to an officer. He said he would investigate, and the Denver police got back to me to inform me that the Tow company sold the car after they placed an advertisement in the paper. I then asked why they didn't notify the leasing office of the intention to sell the vehicle; the officer then replied, I had to take it up with the leasing office.

I went back to the leasing office to inform them of what the police had told me, and they said they would take it up with the Tow company. I eventually waited for the outcome of their investigation after a protracted wait and numerous back and forth with the leasing office. They now informed me that they had instituted a case against the towing company because no one instructed them to move the car and that the Tow company violated the guideline for removing any car from the apartment complex. They had terminated their contract before the towing company towed the car from the complex.

At this point, I need my car back or the money paid for the vehicle. The leasing company is willing to join this case to provide evidence that they did not instruct the tow company to remove my car.

COLORADO PUBLIC UTILITIES COMMISSION – Formal Complaint Form

(If you need more space, please attach additional pages of 8½ by 11 paper.)

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4. City or town where you would like to have your hearing:

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Denver

List of unavailable hearing dates for the next 90 days (excluding holidays and weekends):

None

5. If you are disabled and require any type of accommodation, please list your request:

N/A

6. I (We) ask(s) that the Commission enter an Order granting whatever relief the Commission deems legally appropriate. I (We) hereby acknowledge that I (we) will cooperate in the prosecution of this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s):

Attorney (if applicable):

Date: 02/14/2022



For Your Information

P-4

FORMAL COMPLAINT PROCEDURES

PRE-HEARING PROCEDURES CHECK LIST

1. **Utility company response.** After a utility company receives your formal complaint and the "Order to Satisfy or Answer" from the Public Utilities Commission (PUC), it will do one or more of the following:
 - Contact you and attempt to resolve the problem to your satisfaction. If your problem is resolved, either you inform the Commission that you wish to withdraw your complaint or the utility will file a motion to dismiss your complaint.
 - File a motion to dismiss your complaint. This must be done within 20 days after the date of the "Order to Satisfy or Answer." The utility's motion will state why it thinks your complaint should be dismissed. You have the opportunity to respond if you wish. The Administrative Law Judge (ALJ) will then decide in writing whether your complaint should be dismissed. If the motion is denied, the utility will be required to file an answer to your complaint.
 - File an answer to your complaint. The utility responds to your complaint and states its side of the story. This must be done within 20 days after the date of the Order to Satisfy or Answer, unless a motion to dismiss is filed.
2. **Response to utility's motion to dismiss.** If the utility files an answer, you do not have to file anything further, and you can begin to prepare for hearing. If the utility files a motion to dismiss, you will receive a copy of the motion, and you should respond to it. You do not have to respond, but if you choose to:
 - Your response must be in writing. Include the docket number that your complaint has been assigned;
 - You must attach a certificate of service¹ to the original and all copies;
 - You must file the original and one copy with the Commission, send one copy to the utility, and keep a copy for yourself; and

¹ If a term is underlined, you will find it explained in alphabetical order in the glossary.

To reach PUC Consumer Affairs:

1560 Broadway, Suite 250, Denver, CO 80202
 303-894-2070 (local); 1-800-456-0858 (toll-free)
dora_puc_complaints@state.co.us

- Your response must be filed within 14 days of the mailed date shown on the certificate of service on the motion to dismiss.
3. **Hearing preparation.** Prior to hearing, you should determine who you want to call as witnesses and what exhibits you want to present at hearing. You may request subpoenas from the Commission for witnesses; you may also ask the utility for documents concerning your case. If the utility does not provide these documents, you may file a written request for a subpoena for these documents as well. The ALJ will resolve this issue between the parties before the hearing.

HEARING PROCEDURES CHECK LIST

1. **Call to order.** The ALJ calls the case by name and docket number.
2. **Appearances.** You and the utility's attorney state who you are, who you represent, and your addresses.
3. **Preliminary matters.** The ALJ will ask if there are any preliminary matters. This could be questions about order of witnesses, timing problems, marking of exhibits, any other procedural matters.
4. **Opening statements.** The ALJ will ask if anyone has an opening statement. This is optional unless the ALJ requests it. One side may give one and the other side may decide not to give one. The utility may reserve the right to give its opening statement after you have finished presenting your case.
5. **Complainant's case.** Your case will now be presented. You may call yourself to testify and then give a sworn statement. You may also call other witnesses on your behalf and conduct direct examination. The utility may cross-examine you and your witnesses.

It is during direct examination that exhibits are identified. They should be offered into evidence after the person offering them has laid a foundation for the exhibits. The person offering the exhibits must bring copies of each exhibit for the ALJ, the court reporter, and the other party or parties, and keep a copy for themselves. The other party or parties may ask questions about the exhibits and may object to their being admitted into evidence.

Even if an exhibit has been identified, it will not be part of the evidence until the ALJ admits it. After you have presented all of your evidence, you state that you are finished (you "rest your case").

6. **Utility's case.** The utility presents its case, if any. You may cross-examine each witness if you wish, but you do not have to do so if you have no questions. When it has presented all of its evidence, the utility will rest its case.

7. **Rebuttal.** You may then present rebuttal evidence. Rebuttal is meant to counter or refute the utility's testimony. Rebuttal is optional.
8. **Closing argument.** After all evidence is presented, both sides have the opportunity for closing argument. The ALJ may decide not to allow closing argument. Either side can decide they do not wish to make a closing argument.

POST-HEARING PROCEDURES CHECK LIST

1. **ALJ's decision.** At the end of the hearing the ALJ may tell both sides right then what his or her decision will be, or may take the case under advisement for further consideration. In either case, the ALJ will issue a written recommended decision, typically within 30 days after the last day of hearing, or 30 days after the filing of statement of positions, if allowed.
2. **Appeal of ALJ decision.** If either you or the utility disagrees with the recommended decision, a written appeal (called "exceptions") must be filed within 20 days of the decision's mailed date. If you disagree with the facts as stated in the ALJ's decision, you must pay for a transcript of the hearing made by the court reporter. A partial transcript may be ordered. If you do not provide a transcript, the Commissioners must decide your complaint based on the facts as stated in the ALJ's decision. You will have no other opportunity to challenge those facts. You must file an original and four copies of your appeal. It must include a certificate of service.
3. **Commission decision.** At the earliest possible time, the Commissioners will review an appeal of the ALJ's recommended decision. The Commissioners could decide to adopt the ALJ's recommended decision, or change part or all of the decision. If the Commission doesn't act on the recommended decision within 20 days of its issuance, and no appeals are filed, the recommended decision automatically becomes a Commission decision.
4. **Reconsideration of Commission decision.** If either you or the utility disagrees with the Commission decision, you may file another written appeal (called an "Application for Rehearing, Reargument or Reconsideration") within 20 days of the decision's mailed date. You should state in your appeal the reasons you feel the Commissioners should review their decision. You must file an original and seven copies of your appeal. It must include a certificate of service. At the earliest possible time, the Commission will issue a decision on reconsideration, which will be sent to both sides by mail.
5. **District court review.** If you or the utility still don't agree with the Commission's final decision, either side can file an appeal in District Court. You will need to contact the District Court to learn about its filing procedures and legal representation guidelines.

GLOSSARY OF TERMS

CERTIFICATE

OF SERVICE:

A statement you include with any filing that shows you mailed a copy of the document to:

- (1) The utility company or companies listed as respondents in your complaint; and
- (2) Any other persons or groups who the Commission has given permission to be included as parties in your complaint.

A certificate of service should be written like the following:

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing pleading were placed in the U.S. mail, first class postage prepaid, on this _____ day of _____, 20__, addressed to: (list the name and address of each utility or party you sent the document to).

CLOSING ARGUMENT: Summation; a person's final chance to review the evidence that was presented and state why that evidence supports a ruling in that person's favor. Closing arguments are not evidence.

COMPLAINANT: The person who filed the complaint and who bears the burden of proof.

CROSS-EXAMINATION: Questions the opposing side or its attorney asks of the witness after the witness' direct testimony. Cross-examination must be in the form of questions; it is not an argument between the questioner and the witness.

DIRECT EXAMINATION: Initial questions and answers, under oath, by a witness for either side. In the case of a complainant acting without an attorney, it is given in the form of a statement under oath.

EXHIBITS: Any document or physical piece of evidence a complainant or utility believes helps to prove that side's case. If an exhibit is accepted into evidence by the judge, it will be kept in the PUC's files and will not be returned to the party.

IDENTIFIED: Marked for identification so that everyone knows which document is being discussed.

LAYING

A FOUNDATION:

Once an exhibit has been identified, the person offering it into evidence presents testimony about it through the witness. This testimony shows what the document is, how the witness knows about it and where it came from.

OBJECTIONS: Objections are raised when a person believes a question, statement or exhibit offered by the other party is improper. The person making the objection states the legal reasons for such objection and the other party is given an opportunity to respond. The ALJ will then rule on the objection by overruling or sustaining it. "Overruled" means the evidence will be allowed; "sustained" means the ALJ agrees with the objection and the evidence will not be allowed.

OPENING STATEMENT: A preview or explanation of what each side believes the case is about and what each intends to prove with testimony and exhibits. Sometimes this is referred to as an overview or roadmap of evidence to be presented at hearing. An opening statement is not evidence.

REBUTTAL: Testimony that is similar to direct testimony but is limited to addressing particular testimony or exhibit evidence that the other side has presented. Rebuttal is meant to counter or refute that testimony.

SUBPOENAS: A document issued by the Commission requiring the attendance of a witness or the production of documentary evidence, or both, at a hearing. A subpoena must be served by the person requesting it.