

Decision No. R23-0341-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23G-0153TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SLADE DICK, DOING BUSINESS AS S&R AFFORDABLE TOWING LLC

RESPONDENT.

PROCEEDING NO. 23G-0154TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SLADE DICK, DOING BUSINESS AS S&R AFFORDABLE TOWING LLC

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY CONSOLIDATING PROCEEDINGS
AND PROVIDING OPPORTUNITY FOR PARTIES TO FILE
A STATEMENT ADDRESSING THE PREFERENCE FOR A
REMOTE, HYBRID, OR IN-PERSON HEARING**

Mailed Date: May 23, 2023

I. STATEMENT**A. Procedural history**

1. On March 31, 2023, the Colorado Public Utilities Commission (Commission) filed Civil Penalty Assessment or Notice of Complaint to Appear (CPAN) No. 135021 and 135131 (CPANs), which each allege that Slade Dick, doing business as S&R Affordable Towing LLC violated §§ 40-10.1-107(1), 401(1)(a) on February 28, 2023, and February 24, 2023, respectively. The CPANs each state that the civil penalty assessed for the alleged violations is \$13,915, but that if Skyline Towing pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$6,957.50. Finally, the CPANs each state that, if the Commission does not receive payment within ten days, the CPAN will convert into a Notice of Complaint to Appear and a hearing will be scheduled at which the Commission Staff will seek the “Total Amount” of \$13,915.¹ The CPAN also states that the Commission may order Skyline Towing to cease and desist from violating statutes and Commission rules.²

2. The CPAN states that the Commission personally served the CPANs on March 30, 2023.

3. Mr. Dick has not paid any amount, much less the reduced civil penalty amount or the total civil penalty amount, of the CPAN.

4. On April 26, 2023, the Commission referred this proceeding to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

¹ CPAN Nos. 135021 and 135131 at 3.

² *Id.*

B. Consolidation

5. Commission Rule 1402 of the Rules of Practice and Procedure provides that “[e]ither on its own motion or on the motion of a party, the Commission may consolidate proceedings where the issues are substantially similar and the rights of the Parties will not be prejudiced.”³ Whether to grant consolidation is within the Commission’s discretion.

6. The ALJ finds that in both proceedings the Parties are identical and the issues are substantially similar. The ALJ further finds that the rights of the Parties will not be prejudiced by consolidation. For these reasons, and because consolidation will serve administrative efficiency by conserving the resources of the Commission and the Parties, the undersigned ALJ finds good cause to consolidate Proceeding Nos. 23G-0153TO and 23G-0154TO. Proceeding No. 23G-0153TO will be the primary proceeding.

C. Hearing

7. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission’s hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

8. The parties will be given the opportunity to file a Statement Regarding Hearing identifying the filer’s preference for an in-person, remote, or hybrid hearing. If a filer prefers an in-person hearing, the filer must identify its preferred location and provide an explanation of why

³ 4 *Code of Colorado Regulations* 723-1402.

the hearing should be conducted at the filer's preferred location. Any additional information supporting a request for a particular method of conducting the hearing (*e.g.*, remote, hybrid, or in-person) can be included in a Statement Regarding Hearing.

9. The deadline for the filing of the Statements Regarding Hearing will be **May 31, 2023**. The parties are on notice that the ALJ will retain discretion to change the method by which the hearing will be conducted (*e.g.*, remote, hybrid, or in-person) and/or the location of the hearing.

D. Additional Advisements

10. The parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties to be familiar with and to comply with these rules. The rules are available on the Commission's website (<http://www.dora.colorado.gov/puc>) and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. Proceeding Nos. 23G-0153TO and 23G-0154TO are consolidated. Docket No. 23G-0153TO is the primary proceeding.

2. The deadline to file any Statement Regarding Hearing containing the information described above is **5:00 p.m. on May 31, 2023**.

3. This Decision is 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 "Rebecca E. White".

Rebecca E. White,
Director