

Decision No. R24-0538-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0134HHG

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

CARLOS GUTIERREZ IN THEIR CAPACITY AS OWNER AND/OR OPERATOR OF
EXCURSION PROFESSIONAL MOVERS LLC,

RESPONDENT.

**INTERIM DECISION
SCHEDULING HEARING AND
ESTABLISHING PROCEDURAL SCHEDULE**

Issued Date: July 26, 2024

I. STATEMENT

1. On March 21, 2024, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 138839 (“CPAN”) against Carlos Gutierrez in his capacity as owner and/or operator of Excursion Professional Movers LLC (“Excursion Professional Movers”) alleging one violation of § 40-10.1-107(1), C.R.S. and one violation of § 40-10.1-502(1)(a), C.R.S. The CPAN states that the civil penalty assessed for the alleged violations occurring on February 21, 2024, is \$13,915, but that if Excursion Professional Movers 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 CPAN states 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 see the “Total Amount” of \$13,915.¹ The CPAN also states that the Commission may order Excursion Professional Movers to cease and desist from violating statutes and Commission rules.²

2. By Decision No. R24-0481-I, issued July 8, 2024, parties were invited to specify preferences for the manner of hearing.

3. The CPAN states that it was personally served on Excursion Professional Movers on March 21, 2024.

4. On May 24, 2024, Trial Staff of the Colorado Public Utilities Commission (“Trial Staff”) intervened of right.

5. On July 19, 2024, Trial Staff filed a statement in response addressing hearing preferences. Trial Staff conferred with Respondent and reports that all parties are requesting an in-person hearing to be held at the office of the Commission.

6. **Parties are advised** that no witness will be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served in accordance with the procedural schedule. **Parties are advised further** that no exhibit will be received in evidence, except in rebuttal, unless filed and served in accordance with the procedural schedule.

7. Any party wishing to make an oral closing statement may do so immediately following the close of the evidence (*i.e.*, after presentation of evidence near the end of the hearing).

¹ CPAN No. 138839 at 3.

² *Id.*

A. Additional Procedural Notices and Advisements

8. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

9. Additional procedural requirements may be addressed in future Interim Decisions.

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

11. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

12. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including the assessment of penalties against Respondent.

II. ORDER**A. It Is Ordered That:**

1. A hearing in this matter shall be conducted at the following date, time, and place:

DATE: September 11, 2024

TIME: 9:00 a.m.

PLACE: COMMISSION HEARING ROOM
1560 BROADWAY, SUITE 250
DENVER, COLORADO

2. Trial Staff of the Colorado Public Utilities Commission must file a list of the witnesses anticipated to be called at the hearing and copies of the exhibits to be presented at hearing no later than August 10, 2024.

3. Carlos Gutierrez in his capacity as owner and/or operator of Excursion Professional Movers LLC must file a list of the witnesses anticipated to be called at the hearing and copies of the exhibits to be presented at hearing no later than August 25, 2024.

4. The parties shall comply with the requirements established in this Decision and shall make the filings as required by the procedural schedule established by the Commission and reiterated in this Decision.

5. This Decision shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director