

Decision No. R24-0930-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NOS. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO & 24G- 0441TO

PROCEEDING NO. 24G-0084TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

PROCEEDING NO. 24G-0314TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

PROCEEDING NO. 24G-0439TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

PROCEEDING NO. 24G-0440TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

PROCEEDING NO. 24G-0441TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

**INTERIM DECISION CONSOLIDATING PROCEEDINGS,
VACATING PREHEARING SCHEDULES AND HYBRID
HEARINGS, AND SCHEDULING REMOTE PREHEARING
CONFERENCE**

Issued Date: December 23, 2024

I. STATEMENT

1. On February 20, 2024, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear (“CPAN”) No. 139039 against Sergio Cornejo doing business as MNS Towing LLC (“Sergio Conejo”) alleging 24 violations of § 40-10.1-401(1)(a), C.R.S. on January 20, 22, 23, 24, and 25, and 23 violations of Commission

Rule 6007(e)(II) on February 13, 2024. CPAN No. 139039 states that the civil penalty assessed for the alleged violations is \$59,455, but that if MNS Towing pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$29,727. Finally, CPAN No. 139039 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 seek the “Total Amount” of \$59,455.¹ CPAN No. 139039 also states that the Commission may order MNS Towing to cease and desist from violating statutes and Commission rules.²

2. On July 20, 2024, the Commission filed CPAN No. 138328 against MNS Towing LLC (“MNS Towing”) alleging four violations of Commission rules and one violation of § 40-10.1-405(3)(b)(I), C.R.S., and penalties of \$3,478.75 or \$1,739.75 if paid within ten days.

3. On October 12, 2024, the Commission filed against Sergio Cornejo:

- (a) CPAN No. 138903 alleging four violations of Commission rules and one violation of § 40-10.1-405(1)(c)(I), and penalties of \$2,846.25 or \$1,423.13 if paid within ten days;
- (b) CPAN No. 138978 alleging two violations of Commission rules and one violation of § 40-10.1-405(2)(a)(I), C.R.S., and penalties of \$1,897.50 or \$948.75 if paid within ten days; and
- (c) CPAN No. 139090 alleging four violations of Commission rules and one violation of § 40-10.1-405(3)(b)(I), C.R.S., and penalties of \$3,478.75 or \$1,739.75 if paid within ten days.

4. The Commission alleges that it served the CPANs by U.S. certified mail.

5. CPAN Nos. 139039, 138328, 138903, 138978, and 139090 have been assigned Proceeding Nos. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO,

¹ CPAN Nos. 135021 and 135131 at 3.

² *Id.*

respectively. The undersigned Administrative Law Judge (“ALJ”) has been assigned to all of the foregoing proceedings. Trial Staff of the Commission (“Staff”) has entered its appearance in all of the proceedings.

6. Decision Nos. R24-0611-I and R24-0780-I scheduled hybrid hearings in Proceeding Nos. 24G-0084TO and 24G-0314TO on January 8-9, 2025 and February 5, 2025, respectively.³

7. On November 25, 2024, the ALJ issued Decision Nos. R24-0859-I, R24-0860, R24-0861, R24-0862, and R24-0863 in Proceeding Nos. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO, respectively, setting a joint remote prehearing conference for December 12, 2024 at 1:30 p.m. to discuss whether consolidation of the five proceedings pursuant to Commission Rule 1402 is appropriate, and how to schedule these proceedings, either individually or in a consolidated proceeding.

8. On December 12, 2024, the joint remote prehearing conference took place.

9. On December 13, 2024, Staff filed an Unopposed Motion to Amend CPAN and Waive Response Time in Proceeding No. 24G-0314TO (“Unopposed Motion to Amend CPAN”) in which it requested to change the name of the Respondent in that proceeding to Sergio Cornejo doing business as MNS Towing LLC to align with the named defendant in Proceeding Nos. 24G-0084TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO.

10. On December 23, 2024, the ALJ issued Decision No. R24-0931-I that granted the Unopposed Motion to Amend.

³ Decision Nos. R24-0611-I and R24-0780-I issued on August 29, 2024 and October 28, 2024, respectively.

II. CONSOLIDATION

1. 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.”⁴ Whether to grant consolidation is within the Commission’s discretion.

2. The ALJ finds that the Parties are identical and the issues are substantially similar in the five proceedings. The ALJ further finds that the rights of the Parties will not be prejudiced by consolidation. Finally, the parties stated at the December 12, 2024 remote prehearing conference that they support 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. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO. Proceeding No. 24G-0084TO will be the primary proceeding.

III. EXISTING SCHEDULES AND HEARING DATES

11. At the December 12, 2024 joint remote prehearing conference, the parties requested that: (a) the existing prehearing schedules and hybrid evidentiary hearings in Proceeding Nos. 24G-0084TO and 24G-0314TO be vacated; (b) the existing hybrid hearing scheduled in Proceeding No. 24G-0084TO for January 8-9, 2025 be vacated and a remote prehearing conference be scheduled for January 8, 2025; (c) the hybrid hearing scheduled in Proceeding No. 24A-0314TO for February 5, 2025 be vacated; and (d) no schedule be established in the consolidated proceeding at this time. Instead, the parties will use the period between December 12, 2024 and the remote prehearing conference on January 8, 2025 to

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

conduct negotiations towards a settlement of the consolidated proceedings. The parties will then report their progress at the January 8, 2025 remote prehearing conference.

12. The ALJ agreed with the foregoing requests at the December 12, 2024 remote prehearing conference.

IV. HYBRID HEARINGS

13. The hybrid hearings scheduled for January 8-9, 2025 and February 5, 2025 in Proceeding Nos. 24G-0084TO and 24G-0314TO will be vacated.

V. REMOTE PREHEARING CONFERENCE

3. A remote prehearing conference will be scheduled for January 8, 2025 at 1:30 p.m.

4. Attachment A to Decision No. R24-0859-I provides information about how to use the Zoom platform for remotely participating in the remote prehearing conference. The parties must review Attachment A to this decision in preparation for the remote prehearing conference.

5. To minimize the potential that the video-conference will be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the remote prehearing conference, and the participants will be prohibited from distributing that information to anyone not participating in the remote prehearing conference.

VI. ORDER

A. It Is Ordered That:

1. Proceeding Nos. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO are consolidated. Proceeding No. 24G-0084TO is the primary proceeding.

2. The prehearing schedules in Proceeding Nos. 24G-0084TO and 24G-0314TO are vacated.

3. The hybrid hearings scheduled for January 8-9, 2025 and February 5, 2025 in Proceeding Nos. 24G-0084TO and 24G-0314TO are vacated.

4. A remote prehearing conference is scheduled as follows:

DATE: January 8, 2025

TIME: 1:30 p.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from Commission Administrative Staff⁵

5. Nobody should appear in-person for the remote prehearing conference.

⁵ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

6. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge