

Decision No. C25-0665

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25F-0243TO

CHARLENE C POTTER,

COMPLAINANT,

V.

FRED'S TOWING, LLC,

RESPONDENT.

**COMMISSION DECISION CONSTRUING FILING AS
APPLICATION FOR REHEARING, REARGUMENT, OR
RECONSIDERATION AND DENYING APPLICATION**

Issued Date: September 16, 2025
Adopted Date: September 10, 2025

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission construes the Exception to Decision No. R25-0561, filed on August 20, 2025, by Charlene C. Potter ("Complainant"), as an application for rehearing, reargument, or reconsideration ("Application for RRR"). Complainant requests reconsideration of Recommended Decision No. R25-0561 ("Recommended Decision"), issued on July 30, 2025, which vacated the evidentiary hearing and dismissed the Proceeding without

prejudice. Upon review of the arguments and further explanation offered in the Application for RRR, the Commission does not find good cause to revise the findings of the Administrative Law Judge ("ALJ") and, therefore, denies the Application for RRR.

B. Background

2. On May 27, 2025, Complainant filed a Formal Complaint ("Complaint") against Fred's Towing, LLC ("Respondent"), which commenced this Proceeding.

3. On June 2, 2025, by Decision No. R25-0426-I, all attempts to collect any portion of amounts in dispute in this Proceeding were prohibited.

4. On June 4, 2025, Rebecca White, the Director of the Commission, served a copy of the Complaint, together with an order requiring the Respondent to satisfy or answer said Complaint within 20 days, in accordance with § 40-6-108, C.R.S. An evidentiary hearing was scheduled for August 11, 2025.

5. On June 16, 2025, Respondent filed an answer to the Complaint.

6. On June 18, 2025, this Proceeding was referred by minute entry to an ALJ.

7. On June 25, 2025, by Decision No. R25-0479-I, a prehearing conference was scheduled for July 15, 2025.

8. On July 15, 2025, the schedule prehearing conference was held. During the prehearing conference, the parties reached an agreement to settle the dispute by July 18, 2025. The ALJ requested the parties make a filing by July 21, 2025, indicating whether the conditions of the agreement had been satisfied.

9. On July 21, 2025, Respondent made a filing stating that the conditions of the agreement were satisfied on July 18, 2025.

10. On July 24, 2025, Complainant filed a Supplemental Statement of Compliance Issues, in which they described difficulties with obtaining the vehicle, as well as additional concerns that Respondent was in violation of various Commission rules and that property stored in the vehicle was damaged while in Respondent's possession.

11. On July 30, 2025, the ALJ issued the Recommended Decision, which dismissed the Complaint, without prejudice, and vacated the evidentiary hearing that was scheduled for August 11, 2025.

12. Pursuant to § 40-6-109(2), C.R.S., the Recommended Decision became a decision of the Commission on August 19, 2025.

C. Application for RRR

13. On August 20, 2025, Complainant filed a letter in this Proceeding, wherein Complainant argues for further action to be taken against Respondent.

14. Pursuant to § 40-6-114, C.R.S., parties may file an application for RRR within 20 days of the issuance of a Commission decision. Since the Recommended Decision became a Commission decision on August 19, 2025, the deadline for parties to file an application for RRR was September 8, 2025.

15. Since Complainant filed their letter within the deadline for an application for RRR, the Commission construes the filing as such.

16. In the Application for RRR, Complainant requests additional relief, as it pertains to the underlying situation. As good cause for the Commission to grant the Application for RRR, Complainant alleges that Respondent refused to comply with the Commission's rule changes, which took effect on April 14, 2025,¹ regarding property retrieval fees. While Complainant

¹ This is a reference to towing rules adopted by the Commission in Proceeding No. 24R-0382TO.

confirms they were ultimately able to retrieve the towed motor vehicle at issue in this Proceeding, they claim Respondent's conduct, "...caused unreasonable delays that directly resulted in the deterioration and loss of my personal property, and forced me to expend significant time and effort to obtain relief that should have been available from the beginning."

17. Complainant further explains that Respondent's behavior only shifted once the Commission became involved in the dispute. Complainant claims the prolonged duration exposed the towed motor vehicle to moisture and rodents, which could have been avoided had Respondent acted appropriately from the beginning. Complainant offers, by way of example, several electronic devices and other items that were damaged or destroyed, as a result of Respondent's actions.

18. Based on these concerns, Complainant requests that the Commission make a formal finding that Respondent's conduct was in violation of applicable rules and direct Respondent to fully or partially refund the \$480.00 paid by Complainant to retrieve the towed motor vehicle on July 18, 2025.

D. Findings and Conclusions

19. Upon review of Complainant's Application for RRR, Complainant's primary concern centers around damages to the towed motor vehicle resulting from Respondent possessing it for a prolonged period of time. We note that the Commission does not have jurisdiction over damages that may occur to a towed motor vehicle in the possession of a towing carrier, regardless of the conduct or behavior of the towing carrier. Such damages are more appropriately addressed through external remedies, such as the filing of an insurance claim or civil court action.

Pursuant to Commission rules, information related to a towing carrier's required insurance policies are considered to be public information and can be provided, upon request.²

20. Furthermore, the parties in this Proceeding came to an agreement to resolve the dispute during the prehearing conference on July 15, 2025. According to a filing made by Respondent on July 21, 2025, the agreed upon conditions, which included the release of the towed motor vehicle, were met on July 18, 2025.³ Complainant also concedes that the towed motor vehicle was released, as agreed upon, in the Application for RRR.

21. Considering all relevant information, the Commission finds that good cause has not been established to grant the requested relief. Therefore, the Application for RRR is denied.

22. We note, however, because the ALJ dismissed the matter without prejudice, any issues raised after the conditions of the above-referenced agreement were satisfied may be raised in a separate complaint filed with the Commission.

II. ORDER

A. The Commission Orders That:

1. The letter filed by Charlene C. Potter on August 20, 2025, is construed as an application for rehearing, reargument, or reconsideration ("Application for RRR").

2. The Application for RRR is denied, consistent with the discussion above.

² See Rules 6008(h) and 6507(f)(I) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6.

³ See ¶ 8, Decision No. R25-0561.

3. This Decision shall be effective immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

Commissioners

COMMISSIONER TOM PLANT,
ABSENT