

Decision No. R25-0075-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0084TO , 24G-0314TO, 24G-0439TO, 24G-0440TO AND 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: February 3, 2025

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 Nos. R24-0931-I that granted the Unopposed Motion to Amend and R24-0930-I that consolidated Proceeding Nos. 24G-0084TO, 24G-0314TO, 24G-0439TO, 24G-0440TO, and 24G-0441TO, designated Proceeding No. 24G-0084TO the primary proceeding, vacated the prehearing schedules and hybrid hearings

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

in the proceedings, and scheduled a remote prehearing conference for January 8, 2025.

II. SCHEDULE

11. At the January 8, 2025 joint remote prehearing conference, the parties proposed the following schedule:

<u>Event</u>	<u>Deadline</u>
Deadline to Issue Discovery	March 5, 2025
Deadline for Settlement and Prehearing Motions	March 12, 2025
Deadline to File and Disclose Witness and Exhibit Lists and File Exhibits	March 25, 2025
Remote Hearing	April 8-10, 2025
Statements of Position	April 22, 2024

12. The schedule proposed by the parties is reasonable and shall be adopted.

III. REMOTE PARTICIPATION AND EXHIBITS

13. The Commission employs Zoom <https://zoom.us/> for the participation of parties, witnesses, attorneys, and Commission staff in remote hearings. Attachment A to this Decision provides instructions for how to use the Zoom platform to remotely participate in the remote hearing.

14. Given that the hearing will be a remote hearing in which the parties, witnesses, and attorneys will participate remotely, exhibits must be presented electronically. The Public Utilities Commission utilizes Box.com to manage exhibits in remote hearings. Attachment B provides detailed instructions for the marking, formatting, and electronic presentation of exhibits at the hearing through Box.com.

15. Each party will receive an email containing an invitation to sign up for a free Box.com account. Once signed-up, each party will be invited to share a folder with (only) the staff in the Administrative Hearings Section, Commission advisors, and potentially Commissioners and Commission counsel. The party may share access to its Box.com account with others as they choose.

16. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

17. The Commission will hold an informal practice video-conference session if requested by any party to give an opportunity to practice using Zoom before the remote hearing. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us and <mailto:stephanie.kunkel@state.co.us>, to schedule an informal practice video-conference session. If an informal practice session is requested, the parties will receive an email with information and a link to participate in the informal practice session.

IV. ADDITIONAL ADVISEMENTS

18. 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 <https://puc.colorado.gov/pucrules> and in hard copy from the Commission.

V. ORDER

A. It Is Ordered That:

1. The schedule summarized in paragraph 11 above is adopted.
2. A remote hearing is scheduled as follows:

DATE: April 8 through 10, 2025

TIME: 9:00 a.m. to 5:00 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 Staff⁴

3. Nobody should appear in-person for the remote hearing.
4. 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

Rebecca E. White,
Director

⁴ 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>.