

Decision No. R25-0200

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25G-0048TO

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

J C AUTO TOWING LLC,

RESPONDENT.

**RECOMMENDED DECISION WAIVING RESPONSE TIME
TO MOTION TO DISMISS, GRANTING MOTION TO
DISMISS, DISMISSING CPAN, AND CLOSING
PROCEEDING**

Issued Date: March 19, 2025

I. STATEMENT

A. Background

1. On January 18, 2025, the Colorado Public Utilities Commission (“Commission”) filed Civil Penalty Assessment or Notice of Complaint to Appear No. 139400 (“CPAN”) alleging that J C Auto Towing LLC (“J C Auto Towing”) violated Commission Rule 6007(e)(1)¹ on January 12, 2024 and Rule 6507(a) and § 40-10.1-405(3)(a) on January 31, 2024. The CPAN states that the civil penalty assessed for the alleged violations is \$2,213.75, but that if J C Auto Towing pays the civil penalty within ten calendar days of its receipt of the CPAN, the civil penalty will be reduced to \$1,106.88. 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

¹ 4 Code of Colorado Regulations 723-1.

and a hearing will be scheduled at which the Commission Staff will seek the “Total Amount” of \$2,213.75.² The CPAN also states that the Commission may order J C Auto Towing to cease and desist from violating statutes and Commission rules.³

2. The CPAN states that the Commission served the CPAN by certified mail on January 18, 2025.

3. J C Auto Towing has not paid any amount, much less the reduced civil penalty amount or the total civil penalty amount, of the CPAN.

4. On February 12, 2025, the Commission referred this proceeding by minute entry to an Administrative Law Judge (“ALJ”) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

5. On February 28, 2025, Trial Staff of the Commission (“Staff”) intervened as of right and entered its appearance in this proceeding.

6. On March 7, 2025, the ALJ issued Decision No. R25-0163-I that provided an opportunity for each party to file a statement addressing the party's preference for a remote, hybrid, or in-person hearing.

7. On March 13, 2025, Staff filed a Motion to Dismiss the CPAN.

B. Motion to Dismiss

8. Staff have stated good cause to grant the Motion to Dismiss. In addition, no party will be prejudiced by the granting of the Motion to Dismiss. Accordingly, response time to the Motion will be waived and the Motion will be granted.

² CPAN No. 139400 at 3.

³ *Id.*

II. ORDER

A. The Commission Orders That:

1. Response time to the Motion to Dismiss filed by Trial Staff of the Commission on March 13, 2025 is waived.

2. The Motion to Dismiss is granted.

3. Proceeding No. 25G-0048TO is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion within 20 days after service, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(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