

Decision No. R24-0612-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0085TO

PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SERGIO CORNEJO DOING BUSINESS AS MNS TOWING LLC,

RESPONDENT.

**INTERIM DECISION
GRANTING, IN PART, STAFF'S MOTION AND
SHORTENING RESPONSE TIME TO STAFF'S MOTION**

Mailed Date: August 22, 2024

I. STATEMENT

1. This proceeding concerns Civil Penalty Assessment Notice ("CPAN") No. 137420 issued by Commission Staff on February 22, 2024 (CPAN No. 137420), against Respondent Sergio Cornejo, doing business as MNS Towing, LLC (Respondent or MNS Towing). The CPAN assessed MNS Towing a total penalty of \$4,427.50 for violation of Rules 6508(b)(I), 6007(j), 6007(k), 6-6007(l), 4 *Code of Colorado Regulations* ("CCR") 723-6, and §§ 40-10.1-405(2)(a)(I)

and (II), and CCR 723-6-6511(h)(III), Colo. Rev. Stat. (2024), as more specifically listed in CPAN No. 137420.

2. The CPAN was personally served on MNS Towing on February 22, 2024 via certified mail, return receipt requested.¹

3. On May 17, 2024, Trial Staff of the Commission (“Staff”) filed its Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(A) and Rule 1401, and Request for Hearing.

4. On May 29, 2024, the Commission referred this proceeding to an Administrative Law Judge (“ALJ”) by minute entry.

5. By Decision No. R24-0395-I, issued June 10, 2024, the undersigned ALJ, among other things, set an evidentiary hearing in this Proceeding on September 4, 2024.

6. On August 14, 2024, Staff’s Motion to Amend CPAN and Shorten Response Time (“Motion”). Through the Motion, Staff seeks to amend the Nature of Violation for No. 7 in CPAN No. 137420 and shorten response time to the Motion to seven days.² Concerning its request to shorten response time, Staff states that shortening response time is appropriate given that time is of the essence with the evidentiary hearing having been scheduled for September 4, 2024.

7. The ALJ finds that Staff stated good cause for its request to shorten response time. However, the ALJ finds and concludes that shortening the response time to nine days from the date of service of the Motion (as opposed to the seven days from the date of the service as requested by Staff) is appropriate under the circumstances. According to the Certificate of Service for the Motion, the Motion was served on the Respondent via email at 3:31 p.m. on August 14, 2024.³

¹ See CPAN No. 137420 at 2 and Delivery Receipt, attached to CPAN No. 137420.

² See Motion at pg. 2-3; *see also*, Rule 1400(b) of the Rules of Practice and Procedure, 4 CCR 723-1 which requires parties to respond to motions within 14 days, unless response time is shortened by the Commission.

³ See Certificate of Service for the Motion, issued August 14, 2024.

Therefore, Response time to the Motion will be shortened to nine days, through August 23, 2024 before 5:00 p.m.⁴

8. The remaining relief sought in the Motion will be addressed by a separate decision.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the Motion to Amend CPAN and Shorten Response Time (“Motion”), filed August 14, 2024 is granted, in part, as to a portion of Staff’s request to shorten response time.

2. Consistent with the discussion above, Respondent Sergio Cornejo, doing business as MNS Towing, LLC shall file any desired response to the Motion by August 23, 2024 at 5:00 p.m.

⁴ See Rule 1203(a) of the Rules of Practice and Procedure, 4 CCR 723-1.

3. This Decision shall be 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

Aviv Segev

Administrative Law Judge