

Decision No. R24-0870-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24M-0399TR

IN THE MATTER OF THE PETITION OF RICARDO GONZALES TO REVERSE AN
INITIAL DRIVER DISQUALIFICATION DETERMINATION PURSUANT TO RULE
1007(A) AND RULE 1401, AND REQUEST FOR HEARING

**INTERIM DECISION ESTABLISHING SCHEDULE AND
SCHEDULING REMOTE EVIDENTIARY HEARING**

Issued Date: November 25, 2024

I. STATEMENT

A. Background

1. On September 20, 2024, Ricardo Gonzales filed the Petition described in the caption above (“Petition”).
2. On October 8, 2024, Trial Staff (“Staff”) of the Commission filed a Notice of Intervention by Right.
3. On October 9, 2024, the Commission referred the proceeding by minute entry to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ.
4. On November 1, 2024, the ALJ issued Decision No. R24-0797-I that ordered Staff to: (a) confer with Mr. Gonzales regarding a schedule for this proceeding, (including a date for the hearing), deadlines for the filing and serving of witness and exhibit lists and exhibits, and

the method by which the hearing should be conducted (in-person, remote, or hybrid hearing); and
(b) file a report of the conferral on or before November 13, 2024.

5. On November 13, 2024, Staff filed the conferral report in which the parties propose the following schedule:

<u>Event</u>	<u>Date/Deadline</u>
Prehearing Motions	November 20, 2024
Exhibit and Witness Lists and Exhibits	December 12, 2024
Evidentiary Hearing	December 19, 2024
Statements of Position (if requested)	January 10, 2025

6. The parties have agreed that the time within which to file responses to prehearing motions be shortened from 14 days to 7 days.

7. Staff proposes a remote hearing and further reports that Mr. Gonzales did not state a position regarding the method of hearing during their conferral.

B. Analysis

8. The foregoing schedule and shortening of response time to prehearing motions proposed by the parties is acceptable. The hearing will be conducted as a remote hearing.

C. Filing and Serving of Exhibits and Witness and Exhibit Lists

9. As referenced in this Decision, serving a party with any document (e.g., witness and exhibit lists and exhibits) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the

Commission's Rules of Practice and Procedure.¹ The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

10. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party (*e.g.*, the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).²

11. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). Each exhibit shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing. The parties shall work together to ensure that there are no overlaps in the numbering of the exhibits.

12. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

13. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

14. The parties are on notice that: (a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required in this Decision; and (b) any exhibit may not be received in evidence, except in rebuttal, unless filed and served as required in this Decision.

¹ 4 *Code of Colorado Regulations* (CCR) 723-1.

² See Rule 1205(e), 4 CCR 723-1.

D. Remote Evidentiary Hearing

15. As noted, the remote evidentiary hearing will be scheduled for February 13, 2024 at 9:00 a.m. as a remote hearing. At the remote hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this case.

16. Attachment A to this Decision provides instructions on how to use the Zoom platform for remotely participating in the remote hearing. To minimize the potential that the video-conference part of the hearing may 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 hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

17. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted (i.e., from remote to hybrid or in-person).

E. Exhibits

18. Given that the hearing will be a remote hearing in which the parties, witnesses, attorneys, and the ALJ will remotely participate by video-conference, exhibits must be presented electronically. The Public Utilities Commission utilizes Box.com to manage exhibits in a remote hearing. Attachment B to this Decision provides detailed instructions for the preparation and presentation of exhibits at the hearing through Box.com.

19. 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.

F. Additional Advisements

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

II. ORDER

A. It Is Ordered That:

1. The schedule in paragraph 5 above is adopted.
2. A remote evidentiary hearing is scheduled as follows:

DATE: December 19, 2024

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 the Administrative Law Judge OR Commission Staff³

3. Nobody should attend the hearing in person.

³ 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>.

4. 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