

Decision No. C25-0121-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0194HHG

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

MICHELLE MARIE ROJAS & MARGERTO B ROJAS DOING BUSINESS AS MEAN
MOMMA BOSS BITCH MOVING,

RESPONDENT.

**INTERIM COMMISSION DECISION GRANTING
MOTION TO REOPEN AND REMAND PROCEEDING**

Issued Date: February 19, 2025

Adopted Date: February 12, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On February 5, 2025, Staff of the Colorado Public Utilities Commission (“Staff”) filed a motion seeking to reopen this Proceeding and remand the matter to an Administrative Law Judge (“ALJ”) for the scheduling of an evidentiary hearing for the purpose of testimony and evidence concerning alleged violations of Decision No. R24-0646.

2. Staff includes that on November 5, 2018, Respondent Michelle Marie Rojas, doing business as 24 Hour Small Moves, was issued Civil Penalty Assessment Notice (“CPAN”) No. 122014 in Proceeding No. 18G-0792HHG, alleging violations of §§ 40-10.1-107(1), and 40-10.1-502(1)(a), C.R.S. After evidentiary hearing, Decision No. R19-0179, issued February 20, 2019, found violations of statute and ordered payment of \$13,915.00, in assessed penalties and the mandatory surcharge. Respondent was further ordered to cease and desist further operations as a mover of household goods until achieving compliance with Colorado statutes and Commission rules.

3. On May 1, 2024, Respondents Michelle Marie Rojas and Margerto B. Rojas, doing business as Mean Momma Boss Bltch Moving was issued CPAN No. 140139 in this Proceeding, with alleged violations of §§ 40-10.1-107(1), and 40-10.1-502(1)(a), C.R.S. After evidentiary hearing, Decision No. R24-0646, issued September 11, 2024, found violations of statute. The Decision did not assess further monetary civil penalties, where the assigned ALJ reasoned that the Respondents could focus on the still-unpaid \$13,915.00 civil penalties assessed in Proceeding No. 18G-0792HHG, finding that “a large penalty assessment here [would] not encourage further compliance.”¹ The order did, however, include that “Respondents shall immediately cease and desist further operation as a mover of household goods until such time as they have complied with all Colorado statutes and Commission rules governing such operation” and stated the “Respondents are advised and are on notice that violation of the cease and desist order contained in this Decision may result in the Commission’s taking further action, both administrative and judicial, as permitted by statute.”²

¹ Recommended Decision No. R24-0646, ¶ 32.

² Recommended Decision No. R24-0646, ¶¶ 30-31 and 38.

4. Staff represents that it has since learned that Margerto B. Rojas continues to act as owner and operator of a moving company with the new trade name, Huffy Puffy Moving With Ease, in alleged violation of Decision No. R24-0646. Staff further includes that it has received multiple complaints against Huffy Puffy Moving With Ease alleging Respondent continues to operate as a moving carrier without a permit and without insurance, and that Respondent frequently changes the company trade name to “hide” from disgruntled former employees and past clients who had problems with their moves.³

5. Staff notes that the \$13,915.00 civil penalty assessed in Proceeding No. 18G-0792HHG remains unpaid.

6. Citing Respondents’ failure to comply with multiple violations of Decision No. R24-0646 by failing to comply with the cease and desist order and failing to pay the civil penalties ordered in Proceeding No. 18G-0792HHG and raised in this Proceeding, Staff requests the Commission reopen and remand this Proceeding. Staff seeks to present evidence and testimony regarding the alleged violations. Staff notes that the Commission has broad power to order action where a person violates a Commission order, including direction to bring an action in an appropriate court for such relief as is necessary or appropriate.⁴ Staff includes a request to reopen and remand the Proceeding to an ALJ for evidentiary hearing, such that Staff can seek an order from the Commission to bring an action in state district court for injunctive relief to prevent further violations.

³ Staff further notes that on January 2, 2025, Respondent Rafael Benjamin Rojas, doing business as Huffy Puffy Moving With Ease, was issued CPAN No. 141772 in Proceeding No. 25G-0031HHG, which also alleges violations of §§ 40-10.1-107(1), and 40-10.1-502(1)(a), C.R.S. Proceeding No. 25G-0031HHG is currently pending before the Commission.

⁴ Rule 1508, 4 *Code of Colorado Regulations* 723-1.

7. We find good cause to grant Staff's motion to reopen the case and remand the matter to an ALJ for further evidentiary hearing and recommended decision, consistent with similar process regarding alleged unpaid CPAN and cease and desist orders.⁵

II. ORDER

A. It Is Ordered That:

1. The Motion filed February 5, 2025, by Staff of the Colorado Public Utilities Commission is granted, consistent with the discussion above.

2. This matter is reopened and remanded to an Administrative Law Judge.

3. This Decision is effective immediately upon its Issued Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING February 12, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

⁵ See Proceeding No. 14G-1027EC.