

Decision No. R25-0133-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24G-0194HHG

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

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

RESPONDENTS.

**INTERIM DECISION GRANTING MOTION AND
SETTING HEARING**

Issued Date: February 26, 2025

I. STATEMENT

A. Procedural Background

1. On May 1, 2024, the Staff of the Public Utilities Commission (“Staff”) served Michelle Marie Rojas and Margerto B Rojas (collectively “Respondents”), doing business as Mean Momma Boss B1tch Moving (“Mean Momma”), with Civil Penalty Assessment Notice No. 140139 (“CPAN”) alleging one violation of § 40-10.1-107(1) and one violation of § 40-10.1-502(1)(a) both occurring on April 11, 2024. The CPAN stated that the civil penalty assessed for the alleged violations was \$13,915.00, but if Respondents paid the civil penalty within ten calendar days of receipt of the CPAN, the penalty would be reduced to \$6,957.50. The CPAN

also stated that, if the Public Utilities Commission (“PUC” or “Commission”) did not receive payment within ten days, the CPAN would convert into a Notice of Complaint to Appear and a hearing would be scheduled at which Staff would seek the total penalty amount of \$13,915.00.

2. On June 12, 2024, counsel for Staff filed an entry of appearance and request for hearing.

3. On June 17, 2024, the Commission referred this proceeding by minute entry to an administrative law judge (“ALJ”) for disposition.

4. On July 29, 2024, by Interim Decision R24-0542-I, the evidentiary hearing in this proceeding was scheduled for August 26, 2024.

5. At the scheduled time and place, the hearing was convened. Staff appeared through counsel. Respondents appeared on behalf of themselves.

6. By Decision No. R24-0646, issued September 11, 2024, Respondents were found to have violated §§ 40-10.1-107(1) and 40-10.1-502(1)(a), C.R.S., and ordered to 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.¹ However, no monetary civil penalty was assessed based, in part, because Respondents were already subject to penalties for violations of the same statute in Proceeding No. 18G-0792HHG.² Respondents expressed a desire to comply with the previous penalty and regulations in order to operate their business and prevent similar violations in the future; and the ALJ found that increasing their penalty assessment would not encourage future compliance but may present an insurmountable barrier to entry for the small business.³

¹ Recommended Decision No. R24-0646 at p. 12 ¶ 3.

² The \$13,915 penalty assessed in Proceeding No. 18G-0792HHG remains unpaid.

³ Recommended Decision No. R24-0646 at ¶¶ 31-33.

7. On February 5, 2025, Staff filed its Motion to Reopen and Remand (“Motion”).

II. FINDINGS AND CONCLUSIONS

A. Motion to Reopen and Remand

8. In its Motion, Staff alleges that “Margerto B. Rojas continues to act as owner and operates a moving company with the new trade name Huffy Puffy Moving With Ease, in violation of the cease-and-desist order in Decision No. R24-0646.”⁴

9. Staff further alleges that is has received multiple complaints against Huffy Puffy Moving With Ease for operating as a moving carrier without a permit and without insurance, and that Respondents are frequently changing the company trade name “to ‘hide’ from disgruntled former employees and past clients who had problems with their moves.”⁵

10. In the Motion, Staff requests that the Commission order the proceeding be reopened and remanded to an ALJ for an evidentiary hearing in which Staff will seek an order from the Commission to bring an action in state district court for injunctive relief to prevent further violations by Respondents.

11. Any desired response to the Motion was due to be filed by February 19, 2025.

12. Respondents failed to file any response to the Motion. In accordance with Rule 1400(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1, Respondents’ failure to file a response shall be deemed a confession of the Motion.

13. An evidentiary hearing will be set in the above-captioned proceeding.

14. A procedural schedule will be adopted as ordered below.

⁴ Staff’s Motion to Reopen and Remand at ¶ 7.

⁵ *Id.* at ¶ 8.

B. Remote Evidentiary Hearing and Unified Numbering System for Hearing Exhibits

15. The evidentiary hearing will be held remotely by Zoom, as ordered below. A webcast of proceedings will be available to the public through the Commission's website.

16. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

17. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by videoconference allows parties and witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

18. The remote evidentiary hearing will be conducted via videoconference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the remote hearing may be disrupted by non-participants, the link and meeting ID, or access code to attend the hearing will be provided to the parties by email approximately one week before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

19. At the 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 proceeding. Given that the hearing will accommodate remote participation by videoconference, exhibits must be presented electronically.

20. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of remote evidentiary hearing.⁶ As such, it is essential that the parties ensure they are able to access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

21. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com older; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to presenting them during the hearing.

22. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

23. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Staff is assigned hearing exhibit numbers 100 to 199; and
- Respondents are assigned hearing exhibit numbers 200 to 299.

⁶ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

C. Additional Procedural Notices and Advisements

24. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

25. Additional procedural requirements may be addressed in future Interim Decisions.

26. The parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties comply with these rules. The rules are available on the Commission's website (<http://puc.colorado.gov/pucrules>), and in hard copy from the Commission.

27. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

28. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including the assessment of penalties against Respondent.

D. Informational Videoconference Practice Session

29. The ALJ will hold an informal practice videoconference session if requested by any Party to give the Parties an additional opportunity to practice using Zoom and box.com before the hearing.

30. The Parties may contact the Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal practice videoconference session.

31. The Parties will receive information and a link to participate in the informal practice session by email.

III. ORDER

A. It Is Ordered That:

1. A remote evidentiary hearing scheduled to commence in this matter shall be conducted at the following date, time and place:

DATE: May 5, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconferencing using Zoom

METHOD: By videoconference using zoom at the link to be provided to counsel and the parties via email prior to the hearing.⁷

2. The parties are responsible for sharing the link, meeting ID code, and passcode with witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

3. All parties must comply with the requirements in Attachments A and B to this Decision, which are incorporated herein and, in the discussion above.

4. Staff shall file and serve: (a) a list that identifies the witnesses it intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits it will present at the hearing no later than March 17, 2025.

5. Respondent shall file and serve: (a) a list that identifies the witnesses it intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits it will present at the hearing no later than April 10, 2025.

6. The ALJ will hold an informal Zoom practice session upon request.

⁷ Instructions for using the Zoom videoconferencing platform are provided in Attachment A to this Decision.

7. 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

G. HARRIS ADAMS

Administrative Law Judge