

**BEFORE THE NEW MEXICO DEPARTMENT OF TRANSPORTATION
TRANSPORTATION REGULATION ADJUDICATION UNIT**

IN THE MATTER OF THE HEARING)
REQUEST OF MR. G’s PRO TOW, LLC FOR) **Case No. 26-00079-TR-R**
THE DENIAL OF APPLICATION FOR)
AMENDMENT TO TARIFF)

ORDER SETTING EVIDENTIARY HEARING

THIS MATTER comes before the Hearing Examiner for the New Mexico Department of Transportation (“NMDOT”) Transportation Regulation Adjudication Unit (“TRA”), upon the Scheduling Conference that was held on April 15 and April 29, 2026 (via Zoom) and attended by the following:

Petitioner: Brian Gutierrez, Owner, Mr. G’s Pro Tow, LLC, appearing *pro se*

NMDOT: Alicia Ortiz, Director, NMDOT TRB and Tomas Glover, Manager, NMDOT TRB, represented by Samuel Roybal, Attorney, NMDOT OGC

WHEREUPON, the Hearing Examiner being duly informed,

FINDS AND CONCLUDES that the parties have agreed to the following hearing and discovery schedule dates and times:

1. Public Hearing (via Zoom): August 6, 2026, at 9:00 A.M.
 - a. If the hearing is unable to be completed on August 6, 2026, then the hearing shall be continued to August 7, 2026 at 9:00 A.M.
2. Deadline for filing witness lists: June 26, 2026 at 4:30 P.M.
3. Deadline for Discovery: July 10, 2026 at 4:30 P.M.
4. Deadline for filing NMDOT TRB’s Direct Testimony: July 17, 2026 at 4:30 P.M.
5. Deadline for filing Petitioner’s Direct Testimony: July 24, 2026 at 4:30 P.M.
6. Deadline for filing all Rebuttal Testimony: July 30, 2026 at 4:30 P.M.
7. Deadline for filing all Exhibits & Exhibit Lists: July 27, 2026 at 4:30 P.M.
8. Deadline for filing Stipulation(s) as to facts and laws: July 17, 2026 at 4:30 P.M.

IT IS THEREFORE ORDERED:

1. A public Evidentiary Hearing in this case shall be held commencing at 9:00 A.M. on August 6, 2026 via the Zoom video-conferencing platform. If the hearing is unable to be completed on August 6, 2026, then the hearing shall be continued to August 7, 2026 at 9:00 A.M.
2. All deadlines set forth above shall be observed by the parties.
3. All times stated in this Order refer to Mountain Time.
4. The purpose of the Evidentiary Hearing will be to receive testimony, exhibits, arguments, and any other appropriate information relevant to this proceeding in order to determine whether the petitioner's application to amend tariff should be granted based on the provisions of the Motor Carrier Act, § 65-2A-1 to § 65-2A-39 NMSA 1978 (as amended 2023) and related rules. No other issues shall be heard or decided by the Hearing Examiner at the hearing other than those stated above.
5. A party that fails to appear at a scheduled hearing will be deemed to have abandoned and dismissed its application or protest unless, within ten (10) calendar days after the date of the hearing, the party presents good cause for failing to appear. *See* 18.9.1.10 NMAC.
6. The procedural dates and requirements set forth in this Order are subject to further order of the Hearing Examiner.
7. The TRA favors prompt and complete disclosure and exchange of information and encourages the timely use of discovery as a means toward effective presentations at evidentiary hearings and avoidance of the use of cross-examination at the hearing for discovery purposes. Pre-hearing discovery may consist of interrogatories, requests for admissions, depositions, and requests for production of documents. Upon experiencing any difficulties in obtaining discovery, the parties may seek relief by filing a proper motion.
8. The procedural rules found at 18.9.1.1 - 19 NMAC shall apply to this case except as modified by order of the Hearing Examiner. The procedures set forth in the New Mexico Rules of Civil Procedures for the District Court, Article 5, related to discovery and protective orders shall be observed with the modification that the parties shall have fifteen (15) days to respond to any discovery requests. If a conflict exists between Rule 18.9.1.1 -19 NMAC and the New Mexico Rules of Civil Procedures for the District Court, Article 5, the NMAC Rule shall apply.

9. It is not necessary to file discovery requests and responses with the TRA. However, a Certificate of Service for each discovery request and response shall be filed with the TRA.
10. All requests for the subpoena of records or witnesses are governed by Rule 18.9.1.12(C) NMAC.
11. At the hearing, any interested person may appear and make a written or oral comment without becoming an intervenor.
 - a. Anyone desiring to make an oral comment at the hearing must register in advance by sending an e-mail to DOT.TRA@dot.nm.gov prior to the start of the public hearing.
 - b. Anyone desiring to make a written comment must submit it at any time prior to the start of the public hearing by sending it in an e-mail to DOT.TRA@dot.nm.gov. Once received, the comment will be read into the record at the commencement of the hearing.
 - c. All comments, whether oral or written, must reference this case by name and case number.
12. Any person filing a pleading or other document in this matter shall serve copies via e-mail on all persons or entities shown on the attached service list and on the Hearing Examiner at DOT.TRA@dot.nm.gov.
13. This procedural Order schedules an evidentiary hearing but does so subject to the possibility that the hearing will be vacated if it is subsequently determined that there is no need for one. *See* 18.9.1.12 NMAC.

PERSONS WITH DISABILITIES

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE NMDOT TRANSPORTATION REGULATION ADJUDICATION UNIT AT DOT.TRA@dot.nm.gov TO REQUEST ASSISTANCE AS SOON AS POSSIBLE, AND PREFERABLY AS SOON AS THE PERSON RECEIVES NOTICE OF THIS PROCEEDING. THE HEARING EXAMINER WILL CONSIDER THE REQUEST AND ARRANGE FOR A REASONABLE ACCOMMODATION IF POSSIBLE.

ISSUED under the authority of the New Mexico Department of Transportation at Santa Fe, New Mexico, this 1st day of May, 2026.

**NEW MEXICO DEPARTMENT OF TRANSPORTATION
TRANSPORTATION REGULATION ADJUDICATION UNIT**

/s/ Donna Wysong _____

**Donna Wysong
Hearing Examiner**

DOT.TRA@dot.nm.gov

