

Decision No. R04-0315-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-554TR

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, AS FOUND IN 4 CCR 723-6, 9,
15, 23, 31, 33, AND 35.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING ADDITIONAL HEARING DATES
AND ESTABLISHING PROCEDURES**

Mailed Date: March 26, 2004

I. STATEMENT

1. The captioned rulemaking proceeding was commenced on January 15, 2004, when the Colorado Public Utilities Commission issued its Notice of Proposed Rulemaking (NOPR). *See*, Decision No. C03-1454. The NOPR set this matter for hearing on March 22 and 23, 2004.

2. On March 9, 2004, procedures were adopted that allowed for the bifurcation of this proceeding. *See*, Decision No. R04-0239-I. Those procedures contemplated that the March 22 and 23, 2004, hearing dates would be used by the Staff of the Commission (Staff) for the purpose of summarizing the proposed rule changes and responding to participant questions concerning the same. They also contemplated that a subsequent written comment filing deadline and additional hearing dates would be established so participants could, among other things, incorporate Staff's summary into their comments. Notwithstanding the above, it was recognized

that participants who did not wish to participate in this bifurcated procedure would be given an opportunity to submit their comments on the hearing dates established by the NOPR.

3. The undersigned administrative law judge (ALJ) called the matter for hearing at the assigned times and place. Appearances were entered by or on behalf of the following participants: Staff; Harvey V. Mabis; Metro Taxi, Inc.; Yellow Transportation, LLC; RDSM Transportation, doing business as Yellow Cab Company of Colorado Springs and Greater Colorado Springs Transportation Company; San Miguel Mountain Ventures, LLC, doing business as Telluride Express (Telluride Express); Alpine Express, Inc. (Alpine Express); Alpine Taxi/Limo, Inc. (Alpine Taxi); Rocky Mountain Repossessors Association; Recovery One; John F. Hafer, doing business as A Custom Coach (Custom Coach); Denver Lincoln Limousine, Inc. (Denver Lincoln Limousine); Colorado Corporate Coach, Inc. (Colorado Corporate Coach); and Pratt Adjustment Bureau.

4. During the course of the March 22 and 23, 2004, hearings Exhibits 1 through 4 were identified and marked for identification purposes.¹ Staff presented its summary of the proposed rules and all participants were afforded an opportunity to question Staff concerning the same. Oral comments were submitted by Telluride Express, Alpine Express, Alpine Taxi, Rocky Mountain Repossessors Association, Recovery One, Custom Coach, Denver Lincoln Limousine, Colorado Corporate Coach, and Pratt Adjustment Bureau.

¹ Exhibit 1 is a table cross-referencing the proposed rules with existing rules; Exhibit 2 is a copy of the proposed rules reflecting additional changes proposed by Staff subsequent to issuance of the NOPR; Exhibit 3 is a compilation of additional rule changes proposed by Staff that modify those reflected in Exhibit 2; and Exhibit 4 is a written summary of the oral comments submitted by or on behalf of Denver Lincoln Limousine, Custom Coach, and Colorado Corporate Coach.

5. At the conclusion of the hearings, the participants discussed with the ALJ their availability for additional hearing dates and the advisability of establishing additional filing deadlines. As a result of those discussions it was determined that the procedural schedule set forth in the Order that follows shall govern the remainder of this proceeding.

II. ORDER

A. It Is Ordered That:

1. Additional hearing dates are scheduled in this matter as follows:

DATES: September 13 and 14, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

2. The Staff of the Commission shall file and serve all filing parties and interested persons a copy of any additional modifications it proposes to the rules that are the subject of this proceeding on or before July 30, 2004.²

3. All filing parties and interested persons shall file and serve all other filing parties and interested persons a copy of any written comments or written supplemental comments on or before August 20, 2004.³ If possible, such comments should be filed with the Commission in both written and electronic format.

² A revised service list showing all current filing parties and interested persons is attached to this Order.

³ Although oral comments will be allowed at the supplemental hearings scheduled by this Order, written comments provide a more effective, persuasive, and efficient statement of a participant's position. Therefore, all participants are encouraged to submit their comments in writing, even those participants who presented oral comments at the March 22 and 23, 2004, hearings.

4. All filing parties and interested persons shall file and serve all other filing parties and interested parties a copy of any written reply comments on or before September 3, 2004. If possible, such comments should be filed with the Commission in both written and electronic format.

5. This Order shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DALE E. ISLEY

Administrative Law Judge

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NUMBER(s): 03R-554TR

DECISION NUMBER: R04-0315-I

I, Bruce N. Smith, Director of the Public Utilities Commission of the State of Colorado, certify, that on the date indicated on this certificate, at Denver, Colorado, I served a true and correct copy of the attached Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination to the following:

Filing Parties

Not Assigned

Alpine Express Inc
Michael Potoker, President
P.O. Box 1250
Gunnison, CO 81230

Not Assigned

Alpine Taxi/Limo Inc
Marty Waldren, President
P.O. Box 775066
Steamboat Springs, CO 80477

Not Assigned

Colorado Corporate Coach Inc
Michael K. Geissler, President
4740 Pierce Street
Wheatridge, CO 80033

Not Assigned

Denver Lincoln Limousine Inc
Arnold C. Poppenberg, President
4660 South Yosemite Street #9133
Greenwood Village, CO 80111-1227



WITNESS MY HAND
AND THE SEAL OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DIRECTOR

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Not Assigned

Eddie's Leaf Spring Shop & Towing LLC
3020 East Mulberry
Fort Collins, CO 80524

Not Assigned

Metro Taxi Inc
P.O. Box 5028
Denver, CO 80217-5028

Not Assigned

Pratt Adjustment Bureau
Jeanne Lewis
6810 Downing Street
Denver, CO 80229

Not Assigned

Rocky Mountain Repossessors Association
Brad Statler, Director
P.O. Box 17583
Denver, CO 80217

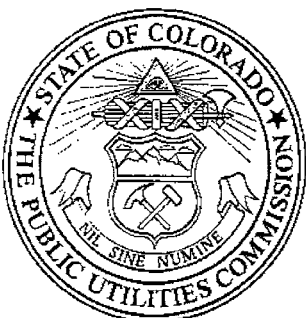
Not Assigned

Telluride Express
1825 Launa Drive
Montrose, CO 81401

Not Assigned

Yellow Cab Company of Colorado Springs &/or Greater
Colorado
4625 Town Center Drive
Colorado Springs, CO 80916

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Bruce N. Smith

DIRECTOR

BEFORE THE PUBLIC UTILITIES COMMISSION
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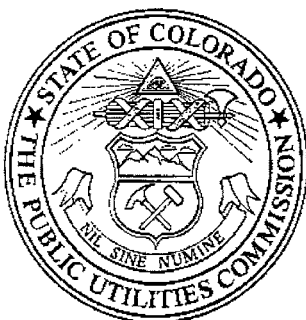
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Intervenor

Yellow Transportation, LLC
7500 East 41st Avenue
Denver, CO 80216



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Filing Party Representatives

Legal Representative

Representing: Metro Taxi Inc
Mr. Charles M. Williams Esq
Charles M. Williams PC
303 East 17 Avenue Suite 888
Denver, CO 80203

Legal Representative

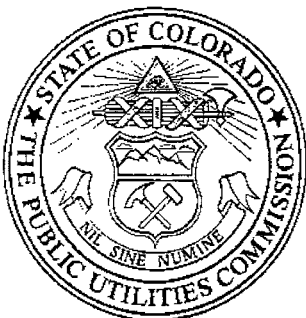
Representing: Yellow Transportation, LLC
Mr. Richard L. Fanyo Esq
Dufford & Brown PC
1700 Broadway Suite 1700
Denver, CO 80290-1701

Representative for a party in this docket

Representing: Telluride Express
Mr. Sid Brotman
P.O. Box 2965
Montrose, CO 81425

Representative for a party in this docket

Representing: Yellow Cab Company of Colorado Springs &/or
Greater Colorado
Mr. Duane H. Kamins Esq.
Kamins Investment Group
1415 North Loop West Suite 1201
Houston, TX 77008



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Interested Persons / Firms / Utilitie

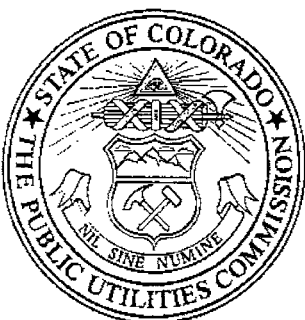
Colorado Counties Inc
1700 Broadway Suite 1510
Denver, CO 80290-1501

Miller's Motors
14553-73 West Highway 50
Rocky Ford, CO 81067

Mr. Bill Schroer
5595 South Zang Street
Littleton, CO 80127-2118

Mr. Charles J. Kimball Esq
Kimball & Nespor P C
5400 Ward Road Suite 150
Arvada, CO 80002-1819

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Mr. Dino Ioannides
Colorado Public Utilities Commission
1580 Logan Street Room 201
Denver, CO 80203

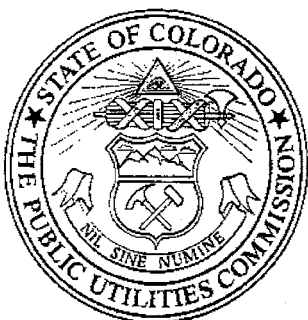
Mr. Harvey V. Mabis
3020 East Mulberry
Fort Collins, CO 80524

Mr. Harvey V. Mabis
P.O. Box 1614
Fort Collins, CO 80522

Mr. Jack Kennedy
Regional Transportation District
1600 Blake Street
Denver, CO 80203

Mr. Mark W. Williams Esq
Cage, Williams, Abelman & Layden, P.C.
1433 17th Street Suite 300
Denver, CO 80202

Mr. Rob MacDonald
Pikes Peak Council of Governments
15 South 7 Street
Colorado Springs, CO 80905



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Ms. Jeanne Erickson
Colorado Association of Transit Agencies
225 East 16th Avenue Suite 475
Denver, CO 80203-1691

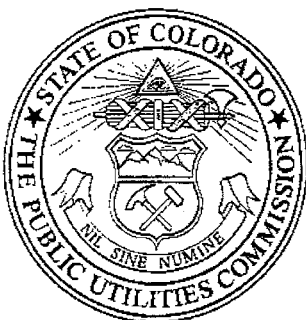
Ms. Teresa Carrillo
Department of Transportation
Commercial Vehicle Operations Manager
4201 East Arkansas Avenue Suite 290
Denver, CO 80222

Thompson & Thompson Inc
30851 County Rd 2W
Hugo, CO 80821

Routing transportation:
6, 60, file, imaging, BB, ALJ

NOTE: All PUC staff, including staff who may be listed as parties, received this decision electronically.

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DIRECTOR