

Decision No. R04-0475-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04F-219CP

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RDSM TRANSPORTATION. LTD., D/B/A YELLOW CAB COMPANY OF COLORADO  
SPRINGS,

COMPLAINANT,

V.

SAMJA'S ENTERPRISES, INC., D/B/A EXPRESS AIRPORT TAXI/EXPRESS TAXI,

RESPONDENT.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
DENYING MOTION TO SHORTEN  
RESPONSE TIME; ESTABLISHING  
DEADLINE FOR SUBMISSION  
OF RESPONSE TO MOTION FOR  
VARIANCE OF DISCOVERY RULES;  
AND WAIVING REQUIREMENTS  
OF 4 CCR 723-1-72(A)(9)**

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Mailed Date: May 7, 2004

**I. STATEMENT**

1. The captioned proceeding was initiated on April 30, 2004, when the Complainant, RDSM Transportation, Ltd., doing business as Yellow Cab Company (Yellow Cab), filed a Formal Complaint (Complaint) with the Colorado Public Utilities Commission (Commission) against Respondent, Samja's Enterprises, Inc., doing business as Express Airport Taxi/Express Taxi (Express Taxi).

2. On the same day it filed the Complaint, Yellow Cab also filed a pleading entitled “Petition for Waiver for Variance from Rules or Requirements” (Petition for Variance). The Petition for Variance seeks a variance from certain of the Commission’s discovery rules set forth at 4 *Code of Colorado Regulations* (CCR) 723-1-77(c). Specifically, Yellow Cab seeks relief from those portions of the subject rules that preclude the taking of depositions and that limit the number of written discovery requests that can be propounded in transportation proceedings.

3. On May 3, 2004, the Commission issued its Order to Satisfy or Answer (Order to Satisfy) along with an Order Setting Hearing and Notice of Hearing (Hearing Notice) setting this matter for hearing on June 17, 2004, at 9:00 a.m. in Denver, Colorado. The Order to Satisfy, the Complaint, the Hearing Notice, and the Petition for Variance were served on Express Taxi on that date.

4. On May 5, 2004, Yellow Cab filed a Motion to Shorten Response Time to Complainant’s Petition for Waiver of Discovery Rules (Motion to Shorten Response Time). The Motion to Shorten Response Time requests that Express Taxi be required to submit its response to the Petition for Variance on or before May 12, 2004.

5. Under 4 CCR 723-1-61(d) Express Taxi has until May 24, 2004, to file a responsive pleading to the Complaint. It would be premature to resolve the issues addressed by the Motion for Variance until that occurs and the matters raised by the Complaint are “at issue.” Therefore, the Motion to Shorten Response Time will be denied. Express Taxi will be required to submit any desired response to the Motion for Variance on the date it files its responsive pleading to the Complaint; *i.e.*, on or before May 24, 2004. Its failure to do so will be construed as a confession of the Motion for Variance.

6. In light of the nature of the allegations raised in the Complaint and the extent of discovery sought by Yellow Cab, the administrative law judge understands that deferring a ruling on the Motion for Variance may require that the hearing of this matter be continued beyond the currently scheduled hearing date. Accordingly, the requirement imposed by 4 CCR 723-1-72(a)(9) that any request to change the hearing date be submitted within seven days after issuance of the Hearing Notice will be waived.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motion to Shorten Response Time to Complainant's Petition for Waiver of Discovery Rules filed by RDSM Transportation, Ltd., doing business as Yellow Cab Company, is denied.

2. Samja's Enterprises, Inc., doing business as Express Airport Taxi/Express Taxi, shall file any desired response to the Petition for Waiver for Variance from Rules or Requirements filed by RDSM Transportation, Ltd., doing business as Yellow Cab Company, on or before May 24, 2004.

3. The provisions of 4 *Code of Colorado Regulations* 723-1-72(a)(9) are waived.

4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge