

Decision No. R04-0906-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-219CP

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.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SHORTENING RESPONSE TIME
TO MOTION FOR TELEPHONE TESTIMONY**

Mailed Date: August 4, 2004

I. STATEMENT

1. On August 3, 2004, Complainant, RDSM Transportation, Ltd., doing business as Yellow Cab Company (RDSM), filed a Motion for Issuance of Trial Subpoenas (Motion) in the captioned matter. The Motion requests the issuance of Subpoenas directed to Mr. Paul Hoffman, a Commission Safety and Enforcement Officer, and Ms. Robin Friedberg, a representative of the Lincoln General Insurance Company.

2. The Motion and the Subpoenas attached thereto indicate that it is RDSM's intent to solicit the testimony of Mr. Hoffman and Ms. Friedberg via telephone. The Commission does not have a specific rule concerning the receipt of testimony in that manner. However, it has

authorized that procedure upon the motion of a party when the factors set forth in Rule 43(i)(3) of the Colorado Rules of Civil Procedure indicate that it is appropriate to do so.

3. Before issuing the subject subpoenas, the Respondent, Samja's Enterprises, Inc., doing business as Express Airport Taxi/Express Taxi (Express Taxi), should be afforded an opportunity to respond to RDSM's request to solicit the involved testimony via telephone. In light of the rapidly approaching hearing date, it is appropriate to shorten Express Taxi's response time to August 10, 2004. It will be presumed that Express Taxi has no objection to this procedure in the absence of submitting a timely response to the Motion.

II. ORDER

A. It Is Ordered That:

1. Any desired response to the request of RDSM Transportation, Ltd., doing business as Yellow Cab Company, to solicit the testimony of Mr. Paul Hoffman and Ms. Robin Friedberg via telephone as set forth in the Motion for Issuance of Trial Subpoenas shall be filed on or before August 10, 2004.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

G:\ORDER\219CP.doc:srs