

Decision No. R04-0946-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
GRANTING MOTION FOR TELEPHONE
TESTIMONY AND ISSUING TRIAL SUBPOENAS**

Mailed Date: August 11, 2004

I. STATEMENT

1. On August 3, 2004, Complainant, RDSM Transportation, Ltd., doing business as Yellow Cab Company 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 also contained a request to solicit the testimony of Mr. Hoffman and Ms. Friedberg at the hearing of this matter via telephone. Accordingly, the Respondent, Samja's Enterprises, Inc., doing business as Express Airport Taxi/Express Taxi (Express Taxi), was

afforded an opportunity to respond to that request. Any desired response was due on or before August 10, 2004. *See*, Decision No. R04-0906-I. That decision indicated that Express Taxi's failure to respond to the telephone testimony request on or before that date would result in a presumption that it had no objection to that procedure.

3. A review of the Commission's records reveals that Express Taxi did not submit a response to the above-described request on or before the August 10, 2004, deadline.

4. Although the Commission does not have a specific rule concerning the receipt of testimony via telephone, 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. Application of those factors to the situation at hand indicates that it would be beneficial to allow Mr. Hoffman and Ms. Friedberg to testify via telephone and that the adoption of such a procedure would not prejudice Express Taxi.

5. Accordingly, Mr. Hoffman and Ms. Friedberg will be allowed to testify via telephone in this matter and the Trial Subpoenas authorizing them to do so will be issued.

II. ORDER

A. It Is Ordered That:

1. 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 is granted and the Trial Subpoenas directed to those individuals will be issued.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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