

Decision No. R04-1099-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: September 15, 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.

2. Initial hearings were held in this matter on March 22 and 23, 2004. Subsequent thereto, additional hearings were scheduled for September 13 and 14, 2004, and a procedural schedule was established setting deadlines for the submission of additional or supplemental written comments. *See*, Decision No. R04-0315-I.

3. Written additional, supplemental and/or reply comments were submitted by Alpine Taxi/Limo, Inc. (Alpine Taxi), Black Diamond Limited, LLC (Black Diamond), and MKBS LLC doing business as Metro Taxi, Inc. (MKBS), in advance of the September 13 and 14, 2004 hearings.

4. The undersigned administrative law judge (ALJ) called the matter for hearing on September 13, 2004. Appearances were entered by or on behalf of the following participants: Staff of the Commission (Staff); Alpine Taxi; Black Diamond; CUSA, LLC; MKBS; Yellow Transportation, LLC (Yellow); RDSM Transportation, doing business as Yellow Cab Company of Colorado Springs and Greater Colorado Springs Transportation Company; and John F. Hafer, doing business as A Custom Coach. During the course of that hearing Exhibits 5 through 8 were identified and marked for identification purposes.¹ Staff presented a summary of its proposed rule modifications and all participants were afforded an opportunity to question Staff concerning the same. Oral comments were submitted by Alpine Taxi, Yellow, Black Diamond, and MKBS.

5. The ALJ called the matter for hearing on September 14, 2004. Appearances were entered by Staff and Harvey V. Mabis (Mabis). *See*, Decision No. R04-1003-I. During the course of that hearing Exhibit 9 was identified and marked for identification purposes. Staff presented a brief summary of its proposed modifications to the towing carrier rules and Mabis was afforded an opportunity to question Staff concerning the same. Mabis then submitted extensive oral comments in connection with the proposed towing carrier rules.

6. At the conclusion of the September 13 and 14, 2004 hearings, the ALJ announced that additional hearing dates would be scheduled in this matter on November 3 and 4, 2004, and that additional filing deadlines would be established for the submission of Staff's additional proposed rule modifications and for written comments to the same. That procedural schedule is set forth in the Order that follows.

¹ Exhibit 5 contains Staff's written comments in connection with its proposed modifications to Attachment B of the NOPR; Exhibit 6 is a copy of Staff's proposed modifications to Attachment B of the NOPR; Exhibit 7 contains additional rule changes proposed by Staff subsequent to its preparation of Exhibits 5 and 6; and Exhibit 8 is a copy of a portion of 49 Code of Federal Regulations § 390.5 containing a federal definition of interstate commerce.

7. On September 14, 2004, San Miguel Mountain Ventures, LLC, doing business as Telluride Express (Telluride Express), submitted a request that the Commission accept written comments it attempted to file in this matter on or about August 18, 2004.² That request is accompanied by a copy of the subject comments along with a Certificate of Mailing indicating that a copy of the same was served on all participants in this proceeding on September 10, 2004. This request of Telluride Express will be granted and its written comments will be considered in this rulemaking proceeding.

II. ORDER

A. It Is Ordered That:

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

DATES: November 3 and 4, 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 October 4, 2004.

3. All filing parties and interested persons shall file and serve all other filing parties and interested persons a copy of any written supplemental comments on or before October 25, 2004. If possible, such comments should be filed with the Commission in both written and electronic format.

² Apparently, Telluride Express forwarded its comments to a member of the Staff as opposed to filing them with the Commission and serving copies on all parties as required by the Commission's procedural rules.

4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge