

Decision No. R17-0148

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17V-0031TNC

IN THE MATTER OF THE PETITION OF SHAWN D. J. CERISE FOR A
WAIVER/VARIANCE OF RULE 6713 OF THE COMMISSION'S RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CODE OF
COLORADO REGULATIONS 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
DISMISSING PETITION WITHOUT PREJUDICE**

Mailed Date: February 21, 2017

I. STATEMENT

1. On January 12, 2017, Mr. Shawn D. J. Cerise (Petitioner) filed a Petition for an Order of the Commission Authorizing a Waiver of Rule 6713 (Proof of Medical Fitness) of the Transportation Network Company Rules of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6.

2. On January 25, 2017, this matter was referred to an Administrative Law Judge for disposition.

3. Decision No. R17-0089-I (Mailed Date of January 30, 2017) corrected the caption and proceeding number to reflect accurately the waiver sought by Petitioner.

4. A hearing on this Petition was scheduled for February 10, 2017 at 9:00 a.m. in a Commission hearing room in Denver, Colorado. Decision No. R17-0087-I (Mailed Date of January 27, 2017). Noting that Petitioner's mailing address is in Basalt, Colorado, the

Administrative Law Judge gave Petitioner the option to participate in the hearing by telephone, and provided instructions for Petitioner to call into the hearing room.

5. On February 10, 2017 at 9:00 a.m., the hearing was convened. The Petitioner failed to appear either in person or by telephone. A recess was taken for 25 minutes and the hearing was reconvened. The Petitioner again failed to appear in person or by telephone.

6. Since the Petitioner, who has the burden of proof, failed to appear and to prosecute his case, the Petition shall be dismissed.

7. In accordance with § 40-6-109, C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Petition of Shawn D. J. Cerise for a Waiver/Variance of Rule 6713 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, filed on January 12, 2017, is dismissed without prejudice.

2. Proceeding No. 17V-0031TNC is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its

own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge