

Decision No. R09-0861-I

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

DOCKET NO. 09A-366BP

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IN THE MATTER OF THE APPLICATION OF ALLSCOPE HEALTH SERVICES, LLC, FOR  
A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
REQUIRING APPLICANT TO OBTAIN  
COUNSEL, SETTING DATE FOR COUNSEL  
TO ENTER APPEARANCE, AND  
INFORMING APPLICANT OF  
CONSEQUENCES OF ITS FAILURE TO COMPLY**

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Mailed Date: August 6, 2009

I. **STATEMENT**

1. On May 28, 2009, AllScope Health Services, LLC (AllScope or Applicant), filed a verified Application to Operate as a Contract Carrier of Passengers by Motor Vehicle (Application). That filing commenced this docket.<sup>1</sup>

2. The Commission issued its Notice of Applications Filed. The following intervened of right: Colorado Cab Company, LLC, doing business as Denver Yellow Cab and/or Boulder Yellow Cab; MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi; RDSM Transportation, Ltd., doing business as Yellow Cab Company of Colorado Springs; and Shamrock Taxi of Ft. Collins, Inc., doing business as Yellow Cab NOCO.

3. The Commission referred this matter to an Administrative Law Judge (ALJ).

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<sup>1</sup> On June 16, 2009, Applicant filed a letter that may contain amendments to the Application.

4. By Decision No. R09-0785-I, as relevant here, the ALJ ordered Applicant, on or before August 4, 2009, either to show cause why it did not need to be represented by an attorney or to have its attorney enter an appearance in this case.

5. By Decision No. R09-0785-I at ¶ 18, the ALJ specifically advised Applicant that, if it failed either to show cause or to have its attorney enter an appearance on or before close of business on August 4, 2009, then the ALJ would order Applicant to obtain an attorney.

6. As of the date of this Order, Applicant has not responded to the order to show cause. As of the date of this Order, no attorney for Applicant has entered an appearance in this case. As of the date of this Order, Applicant has not requested additional time within which to comply with Decision No. R09-0785-I.

7. Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1201(a) requires a party in a proceeding before the Commission to be represented by an attorney except that, pursuant to Rule 4 CCR 723-1-1201(b)(II) and as relevant here, an individual may appear without an attorney to represent the interests of a closely-held entity, as provided in § 13-1-127, C.R.S. The Commission has found that, unless an exception applies, a party must be represented by counsel in an adjudicatory proceeding. In addition, the Commission has held that, if a party does not establish that it falls within an exception, then there are two consequences: first, filings made by a non-attorney on behalf of the party are void and of no legal effect; and second, a non-attorney may not represent the party in a Commission adjudicative proceeding.

8. This is an adjudicative proceeding before the Commission.

9. Applicant is a Colorado limited liability company, is a party in this matter, and is not represented by an attorney in this proceeding.

10. Although given the opportunity to establish that it does not need to be represented by an attorney, and although advised of the consequences, AllScope failed to establish that it can appear in this proceeding without an attorney. Therefore, in accordance with Rule 4 CCR 723-1-1201(a), the ALJ finds that AllScope must be represented by an attorney in this case.

11. The ALJ will order AllScope to obtain an attorney to represent it in this case and will order the attorney for AllScope to enter an appearance at or before the August 13, 2009 prehearing conference in this case.

12. **AllScope is advised that it cannot proceed in this case without an attorney.**

13. **AllScope is advised that, unless otherwise ordered, failure to obtain an attorney and failure to have the attorney enter an appearance as required by this Order will result in dismissal of the Application.**

## II. ORDER

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

1. AllScope Health Services, LLC, shall obtain counsel to represent it in this docket.
2. The attorney for AllScope Health Services, LLC, must be an attorney at law currently in good standing before the Supreme Court of the State of Colorado.
3. The attorney for AllScope Health Services, LLC, shall enter an appearance in this proceeding at or before the prehearing conference in this case scheduled August 13, 2009.
4. Unless otherwise ordered, the failure of AllScope Health Services, LLC, to comply with this Order shall result in dismissal of the Application to Operate as a Contract Carrier of Passengers by Motor Vehicle.

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Administrative Law Judge