

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0949CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF HEAVENLY HANDS TRANSPORTATION SERVICES LLC, FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55807.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
ADOPTING PROCEDURAL SCHEDULE
AND SETTING HEARING**

Mailed Date: January 13, 2014

I. STATEMENT

1. On August 30, 2013, Heavenly Hands Transportation, LLC (Applicant) filed an application for an extension of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55807 (Application).

2. On September 9, 2013, the Commission issued notice of the Application as follows:

For an order of the Commission authorizing the extension of Certificate of Public Convenience and Necessity (CPCN) No. 55807. Currently, CPCN PUC No. 55807 authorizes the following:

Transportation of

passengers in call-and-demand limousine service

between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, and Jefferson, State of Colorado with the following restrictions:

- (A) To the transportation of passengers who are recipients of Medicaid;
- (B) To providing non-medical transportation for the Colorado Department of Health Care Policy & Financing, 1570 Grant Street, Denver, Colorado;

- (C) To the transportation of passengers classified as disabled under the provisions of 42 U.S.C. Section 12012 of the Americans with Disabilities Act of 1990;
- (D) To providing for passengers, “door-through-door” service, wherein the driver takes responsibility for the passenger either at the door or inside the structure at the pickup point and maintains responsibility for the passenger through the door to inside the structure at the destination point;
- (E) Against providing transportation service to or from Denver International Airport;
- (F) Against providing transportation service to or from hotels and motels; and
- (G) To the use of not more than three vehicles.

This application to extend authority seeks to eliminate restriction (G).

3. Applicant subsequently filed amendments to the Application which clarified that Applicant seeks only to eliminate restriction (G) from its current CPCN..

4. Timely intervenors in this proceeding include, MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi (Metro Taxi) and Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab.

5. On October 16, 2013, the Commission, at its regular weekly meeting, deemed the application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

6. Several Decisions issued in this matter ordered Applicant to indicate its intentions regarding its Application, including obtaining legal counsel or showing cause why legal counsel was not necessary. *See*, Interim Decision Nos. R13-1384-I issued November 1, 2013; R13-1457-I issued November 22, 2013; and R13-1514-I issued December 9, 2013. Interim Decision No. R13-1514-I required Applicant to obtain legal counsel or show cause no later than December 17, 2013.

7. On December 16, 2013, legal counsel entered an appearance on behalf of Applicant.

8. By Interim Decision No. R13-1586-I issued December 24, 2013, a pre-hearing conference was scheduled for January 10, 2014. At the scheduled date and time, the pre-hearing conference was convened. Appearances were entered by legal counsel for Applicant and for Metro Taxi.

9. Based on the statutory time remaining in which to issue a final Commission Decision in this matter, a compressed procedural schedule is adopted as follows:

Deadline for Applicant to File Witness Testimony Summary and Exhibit Lists	January 24, 2014
Deadline for Intervenors to File Witness Testimony Summary and Exhibit Lists	February 7, 2014
Deadline to File Pre-hearing Motions	February 8, 2014
Deadline for Filing Stipulation and/or Settlement Agreement	February 10, 2014
Evidentiary Hearing	February 13, 2014

10. No final pre-hearing conference will be scheduled at this time. Should a party desire to have an additional pre-hearing conference, that party may file an appropriate motion.

11. The testimony in this proceeding will be presented through oral testimony at the evidentiary hearing. For each witness (except a witness offered in rebuttal), a summary of testimony will be filed in advance of the hearing on the dates indicated above in Paragraph No. 9. The summary of testimony will include at least the following information: (a) the witness's name; (b) the witness's address; (c) the witness's business telephone number; and (d) a statement of the content of the witness's expected testimony.

12. Rebuttal testimony may be presented at the hearing without the necessity of filing in advance of the hearing, a detailed summary of the rebuttal testimony.

13. With the exception of a witness offered in rebuttal, a witness may not be permitted to testify unless a summary of the testimony of that witness has been filed in advance of the hearing in accordance with this Decision.

14. Complete copies of all exhibits (except an exhibit offered in rebuttal) will be filed in advance of the hearing. (*See* filing dates in the procedural schedule above.) With the exception of an exhibit offered in rebuttal, an exhibit will not be admitted unless it has been filed in advance of the hearing in accordance with this Decision.

15. The provisions of 4 *Code of Colorado Regulations* (CCR) 723-1-1405 of the Commission's Rules of Practice and Procedure will govern discovery in this proceeding, except that due to the compressed procedural schedule, turnaround time to respond to propounded discovery shall be three business days. Any discovery propounded after 3:00 p.m. on a Friday will be deemed to have been served on the following business day. The parties are advised that neither discovery requests nor responses to discovery are to be filed with the Commission except as necessary to support a motion or as an exhibit to be used at hearing. The parties are advised that neither discovery requests nor responses to discovery are to be provided to the ALJ except as necessary to support a motion or as an exhibit to be used at hearing.

16. Commission Rule 4 CCR 723-1-1100 will govern the treatment of information and documents claimed to be confidential.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule set out above is adopted.

2. An evidentiary hearing is scheduled as follows:

DATE: February 13, 2014

TIME: 1:00 p.m.

PLACE: Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado 80202

3. The parties shall be held to the advisements in this Decision.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director