

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1094CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MT ACQUISITIONS, LLC
D/B/A MOUNTAINS TAXI, P.O. BOX 694 CONIFER, CO 80433, FOR A
CERTIFICATE TO OPERATE AS A COMMON CARRIER BY MOTOR
VEHICLE FOR HIRE.

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

Mailed Date: January 24, 2014

I. STATEMENT

1. On October 11, 2013, MT Acquisitions, LLC, doing business as Mountains Taxi (Applicant) filed an application for an extension of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55768 to provide additional taxi service in Jefferson and Park Counties, Colorado (Application).

2. On October 21, 2013, the Commission issued notice of the Application as follows:¹

Currently, CPCN No. 55768 authorizes the following:

Transportation of

passengers in taxi service

between all points in the following area: commencing at the intersection of Colorado State Highway 119 and U. S. Highway 6, near the boundaries of the Counties of Jefferson, Gilpin, and Clear Creek, State of Colorado, thence east along U.S. Highway 6 to its intersection with Jefferson County Parkway,

¹ While the Commission's Notice indicates that the Application was filed on October 18, 2013, it appears that it was actually filed on October 11, 2013.

thence east and south along Jefferson County Parkway to its intersection with Johnson Road, thence south along Johnson Road to its transition to Interstate C-470, thence south and east along Interstate C-470 to its intersection with the boundary of the County of Jefferson, thence south along the boundary of the County of Jefferson to a point one mile south of its intersection with Jefferson County Road 96 (South Platte River Road), thence west along an imaginary line to a point 8 miles west of the eastern boundary of the County of Park, thence north along an imaginary line for 28.25 miles thence east along an imaginary line to State Highway 119, thence southeast along State Highway 119 to the point of beginning, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

As extended, CPCN No. 55768 would authorize the following:

Transportation of

passengers in call-and-demand taxi service

between all points in the following area: commencing at the intersection of Colorado State Highway 119 and U. S. Highway 6, near the boundaries of the Counties of Jefferson, Gilpin, and Clear Creek, State of Colorado, thence North along the western border of the County of Jefferson to its intersection with Boulder County, thence easterly along the northern border of the County of Jefferson to its easternmost point, then southerly along the eastern border of the County of Jefferson to a point one mile south of its intersection with Jefferson County Road 96 (South Platte River Road), thence west along an imaginary line to a point 8 miles west of the eastern boundary of the County of Park, thence north along an imaginary line for 28.25 miles thence east along an imaginary line to State Highway 119, thence southeast along State Highway 119 to the point of beginning, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

3. The Commission issued notice of the Application to all interested parties on October 21, 2013. Therefore, parties had until November 20, 2013 to intervene in this proceeding.

4. Intervenors in this proceeding included, Fresh Tracks Transportation, LLC (Fresh Tracks) (Fresh Tracks subsequently withdrew its intervention on December 13, 2013); MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi (Metro Taxi); and Colorado Cab Company, LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab (Colorado Cab).

5. On November 26, 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. By Interim Decision No. R13-1541-I issued December 13, 2013, the procedural schedule in this proceeding was vacated and a pre-hearing conference was set for January 17, 2014. At the scheduled date and time, the pre-hearing conference was convened. Appearances were entered by legal counsel for Applicant, Metro Taxi, and Colorado Cab.

7. A procedural schedule was discussed at the pre-hearing conference as follows:

Deadline for Applicant to File Witness Testimony Summary
and Exhibit Lists February 3, 2014

Deadline for Intervenors to File Witness Testimony Summary
and Exhibit Lists February 17, 2014

Deadline to File Pre-hearing Motions February 24, 2014

Deadline to File Stipulations/Settlement Agreements March 5, 2014

Evidentiary Hearing March 10 – 11, 2014

8. The provisions of 4 *Code of Colorado Regulations* (CCR) 723-1-1405(k) of the Commission's Rules of Practice and Procedure will govern discovery in this proceeding. 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. The last day to propound discovery shall be February 20, 2014.

9. 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.

10. 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. 7. 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.

11. 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.

12. 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.

13. 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.

14. 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:

DATES: March 10 and 11, 2014

TIME: 10:00 a.m.

PLACE: Hearing Room
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)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge