

Decision No. R14-0108-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13G-1098CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SKY TAXI, LLC, AND

SKY JOHANN WODRASKA, IN HIS CAPACITY AS OWNER-OPERATOR OF
SKY TAXI LLC,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SCHEDULING EVIDENTIARY HEARING,
ESTABLISHING PROCEDURAL SCHEDULE,
SHORTENING RESPONSE TIME TO
DISCOVERY, SHORTENING RESPONSE
TIME TO MOTIONS PERTAINING TO
DISCOVERY, AND CONTAINING ADVISEMENTS**

Mailed Date: January 28, 2014

I. STATEMENT

1. Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 107063 (the CPAN) commenced this Proceeding.

2. On November 4, 2013, counsel for Trial Staff of the Commission (Staff) entered his appearance in this matter. In that filing and pursuant to Rule 4 *Code of Colorado Regulations*

(CCR) 723-1-1007(a),¹ Staff counsel identified the trial Staff and the advisory Staff in this Proceeding.

3. On November 6, 2013, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

4. On December 24, 2013, by Decision No. R13-1589-I, the ALJ granted Staff's request to amend the caption of this Proceeding to name as respondents both Sky Taxi, LLC (Sky Taxi), and Mr. Sky Johann Wodraska, in his capacity as owner-operator of Sky Taxi (Wodraska).

5. Sky Taxi and Mr. Wodraska, collectively, are the Respondents. Staff and Respondents, collectively, are the Parties.

6. Staff is represented by legal counsel.

7. Pursuant to Decision No. R14-0103-I, issued on January 27, 2014, Respondent Sky Taxi is not permitted to participate in this Proceeding without further order of the ALJ.

8. In accordance with previously-issued Interim Decisions, Respondent Wodraska may appear without legal counsel to represent his own interests in this Proceeding but is prohibited from representing the interests of Respondent Sky Taxi in this Proceeding.

9. On December 24, 2013, by Decision No. R13-1589-I, the ALJ ordered Staff to make a filing that contains a list of three proposed hearing dates, each of which is agreeable to the Parties. On January 24, 2014, Staff filed proposed hearing dates. In that filing, Staff represents that the proposed hearing dates are acceptable to Staff and that, notwithstanding its attempts to do so, Staff was unable to discuss the proposed dates with Respondents.

¹ That Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

10. The ALJ will schedule the evidentiary hearing in this matter for **March 31, 2014**, which is one of Staff's proposed dates.

11. The ALJ will order the following procedural schedule: (a) not later than **February 14, 2014**, Staff will file its list of witnesses in its direct case and complete copies of the exhibits that it will offer in its direct case; (b) not later than **March 7, 2014**, Respondent Wodraska will file his list of witnesses and complete copies of the exhibits that he will offer; (c) if the ALJ issues an Interim Decision that permits Respondent Sky Taxi to participate in this Proceeding, then, not later than **March 7, 2014**, Respondent Sky Taxi will file its list of witnesses and complete copies of the exhibits that it will offer; and (d) not later than **March 25, 2014**, the Parties will file any settlement agreement or stipulation that they have reached.

12. Each witness who will be called to testify (except a witness called in Staff's rebuttal case) must be identified on the list of witnesses that ¶ 11 (above) requires each party to file. The following information must be provided for each listed witness: (a) the name of the witness; (b) the address of the witness; (c) the business telephone number or daytime telephone number of the witness; and (d) a detailed summary of the testimony that the witness is expected to give.

13. **The Parties are advised, and are on notice, that** no person -- *including Respondent Wodraska* -- will be permitted to testify on behalf of a party (except in Staff's rebuttal case) unless the person is identified on the list of witnesses filed in accordance with ¶¶ 11 and 12 of this Interim Decision.

14. Complete copies of all exhibits (except an exhibit offered in Staff's rebuttal case or used in cross-examination) must be filed as required by ¶ 11 (above).

15. **The Parties are advised, and are on notice, that** no document will be admitted into evidence (except in Staff's rebuttal case or when used in cross-examination) unless that document is filed in accordance with ¶¶ 11 and 14 of this Interim Decision.

16. Rules 4 CCR 723-1-1100 and 723-1-1101 will govern the treatment of information claimed to be confidential.

17. Except as modified by this Interim Decision, Rule 4 CCR 723-1-1405 will govern discovery in this Proceeding.

18. Responses to discovery requests will be served within *five business days from the date of service of the requests*.² Discovery served after 3:00 p.m. Mountain Time on a Friday will be deemed served on the next business day.

19. Motions pertaining to discovery may be filed at any time.³ Unless otherwise ordered, responses to motions pertaining to discovery will be written and will be filed within *three business days of service of the motion*.⁴ If necessary, the ALJ will hold a hearing on a discovery-related motion as soon as practicable after the motion is filed.

20. **The Parties are advised, and are on notice, that** it is the responsibility of each party to have, at the evidentiary hearing, a sufficient number of copies of each document that it wishes to offer as an exhibit.⁵ **The Parties are advised, and are on notice, that** the fact that exhibits are prefiled in accordance with this Interim Decision does *not* alter the requirement set out in this paragraph.

² By this Interim Decision, the ALJ will shorten response time to discovery.

³ The prefiling procedures contained in Rule 4 CCR 723-1-1405 apply.

⁴ By this Interim Decision, the ALJ will shorten response time to motions pertaining to discovery.

⁵ This means that, at the hearing, a party must have at least four copies of each document: one to be marked and retained by the Commission as the hearing exhibit; one to be given to the opposing party; one to be given to the ALJ; and one to be retained by the party offering the exhibit.

21. The Parties are advised, and are on notice, that the Commission will *not* make copies of documents that are offered as exhibits.

22. The Parties are reminded that, in previous Interim Decisions, the ALJ advised the Parties that the ALJ will hold the Parties to the requirements of the Rules of Practice and Procedure, Part 1 of 4 CCR 723.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing in this matter shall be held on the following date, at the following time, and in the following location:

DATE: March 31, 2014

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. The following procedural schedule is adopted: (a) not later than, Staff of the Commission shall file its list of witnesses in its direct case and complete copies of the exhibits that it will offer in its direct case; (b) not later than March 7, 2014, Respondent Wodraska shall file his list of witnesses and complete copies of the exhibits that he will offer; (c) if the ALJ issues an Interim Decision that permits Respondent Sky Taxi to participate in this Proceeding, then, not later than March 7, 2014, Respondent Sky Taxi shall file its list of witnesses and complete copies of the exhibits that it will offer; and (d) not later than March 25, 2014, the Parties shall file any settlement agreement or stipulation that they have reached.

3. No person shall testify on behalf of a party (except in Staff's rebuttal case) unless the person is identified on the list of witnesses filed in accordance with this Interim Decision.

4. No document shall be admitted into evidence (except in Staff's rebuttal case or when used in cross-examination) unless that document is filed in accordance with this Interim Decision.

5. Except as modified by this Interim Decision, Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery.

6. Response time to discovery is shortened to five business days from the date of service of the discovery.

7. Discovery served after 3:00 p.m. Mountain Time on a Friday is deemed served on the next business day.

8. Response time to a discovery-related motion is shortened to three business days from the date of service of the motion.

9. Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern the treatment of information claimed to be confidential.

10. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

11. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director