

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1347CP

IN THE MATTER OF THE APPLICATION OF WESTERN SLOPE YELLOW CAB, LLC
DOING BUSINESS AS GRAND JUNCTION YELLOW CAB FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY
MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING AND RESCHEDULING
PREHEARING CONFERENCE**

Mailed Date: February 11, 2014

I. STATEMENT

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On December 19, 2013, Western Slope Yellow Cab, LLC, doing business as Grand Junction Yellow Cab, filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application).

3. The Commission gave public notice of the Application on December 30, 2013.

4. Tazco, Inc., doing business as Sunshine Taxi (Sunshine) and GISDHO Shuttle, Inc., doing business as American Spirit Shuttle timely intervened of right.

5. By Decision No. R14-0166-I, issued February 10, 2014, the administrative law judge (ALJ) scheduled a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 for March 3, 2014 at 10:00 a.m.

6. On February 11, 2014, Sunshine filed a “(I) Motion to Vacate and Reschedule the Prehearing Conference (II) Request for Waiver of Response Time; and (III) Request for Expedited Action” (Motion). The Motion requests that the March 3rd prehearing conference be vacated and rescheduled for another date. As grounds, the Motion states that counsel is unavailable due to a pre-arranged medical appointment. The Motion provides dates which counsel is unavailable for a rescheduled prehearing conference.

7. The Motion also states that Sunshine conferred with all other parties to the proceeding and that the parties do not oppose the Motion. The Motion asks that the response time be waived and that the ALJ rule on the Motion immediately.

8. For good cause shown, the ALJ will waive the response time to the Motion. Rule 1400(b), 4 CCR 723-1.

9. Because the Motion is unopposed, and for good cause shown, the ALJ will grant the Motion. The March 3rd prehearing conference will be vacated and rescheduled.¹

10. As with the prior prehearing conference, any party so desiring may appear at the prehearing conference by telephone. **To appear by telephone, the party must dial (303) 869-0599 at the designated date and time.** Dialing this number will connect the party into the hearing room without further action.

11. All parties are expected to appear at the prehearing conference by telephone or in person.²

¹ The ALJ has reviewed the list of dates that counsel for Sunshine provided in the Motion as being dates counsel is unavailable. The ALJ has chosen a date that is not on the list for the rescheduled prehearing conference.

² If counsel appears on a party's behalf, the party is not required to personally appear.

12. The parties are advised and are on notice that failure to appear at the prehearing conference may result in dismissal of the Application without prejudice, or a decision denying an intervenor the ability to participate in these proceedings.

II. ORDER

A. It Is Ordered That:

1. The prehearing conference scheduled for March 3, 2014 at 10:00 a.m. is hereby vacated.

2. A prehearing conference in this proceeding is scheduled as follows:

DATE: March 5, 2014

TIME: 11:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director