

Decision No. R14-0200-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13F-1372CP

COLORADO JITNEY LLC,

COMPLAINANT,

V.

EVERGREEN TRAILS INC., DOING BUSINESS AS HORIZON COACH LINES,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING AND RESCHEDULING HEARING
AND ESTABLISHING REVISED
PROCEDURAL DEADLINES**

Mailed Date: February 26, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On December 23, 2013, Colorado Jitney LLC (Jitney) filed a formal Complaint against Evergreen Trails, Inc., doing business as Horizon Coach Lines (Respondent). That Complaint instituted this proceeding.

2. On January 8, 2014, the Commission referred the Complaint to an administrative law judge (ALJ) for disposition.

3. By Decision No. R14-0081-I issued January 21, 2014, the ALJ scheduled a hearing on the Complaint for March 25 and 26, 2014, and established procedural deadlines.

4. On February 21, 2014, Jitney filed an “Unopposed Motion to Vacate and Reschedule Hearing” (Motion). The Motion seeks to vacate the March 25 and 26, 2014 hearing dates and the corresponding pre-filing deadlines for all parties.

5. As grounds, Jitney states that its counsel is scheduled for five-day jury trial in March 2014, which counsel had originally anticipated would be settled. However, the matter has not settled. The Motion states that due to the jury trial, Jitney’s counsel will not have enough time to prepare for a hearing as scheduled or meet the filing deadlines for the hearing. The Motion states that Respondent does not oppose the relief requested. The Motion indicates that the parties are available for hearing on April 22, 23, 24, 25, 28, 29, and 30, 2014.

6. The Motion also asks that the response time to it be waived under Rule 1400(b), Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, as it is unopposed.

7. Because the Motion is unopposed and for good cause shown, the ALJ will waive the response time to the Motion. Rule 1400(b), 4 CCR 723-1.

8. Granting the Motion will permit the parties time to comply with the procedural schedule set forth by this Decision.

9. The ALJ will grant the Motion. The ALJ will set forth a revised procedural schedule.

10. In anticipation of the hearing, the ALJ will order the parties to make disclosures of the witnesses and exhibits which they intend to present at the hearing in support of their position.

11. Witness lists shall include a description of the witnesses’ anticipated testimony, and the witnesses last known address and telephone number.

12. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.

13. **The parties are advised** that no witness shall be permitted to testify, except on rebuttal, unless the witness is disclosed as required by this Decision.

14. **The parties are advised** that no exhibit shall be admitted into evidence, except in rebuttal, unless the exhibit is disclosed as required by this Decision.

15. **All parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1, Part 1. The ALJ expects the parties to comply with the Rules of Practice and Procedure. The rules are available on the Commission's website (www.dora.colorado.gov/puc) and in hard copy from the Commission.

16. **Non-attorneys will be held to the same standards as attorneys.**

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the response time to Jitney's Unopposed Motion to Vacate and Reschedule Hearing is waived pursuant to Rule 1400(b), 4 *Code of Colorado Regulations* 723-1.

2. The hearing scheduled for March 25 and 26, 2014 at 9:30 a.m. is vacated.

3. A hearing on the merits of the Complaint in this proceeding will be held as follows:

DATE: April 28, 2014

TIME: 9:30 a.m.

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

4. At the above date, time, and place you will be given the opportunity to be heard if you so desire.

5. The procedural deadlines established by Decision No. R14-0081-I are vacated.

6. Colorado Jitney LLC shall file and serve exhibit and witness lists and exhibits **on or by 5:00 p.m. on March 27, 2014.**

7. Evergreen Trails, Inc., doing business as Horizon Coach Lines shall file and serve exhibit and witness lists and exhibits **on or by 5:00 p.m. on April 7, 2014.**

8. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). The exhibits shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing. The parties may utilize the Commission's exhibit stamp to include this information on the exhibits; the parties are advised that they must have all their exhibits stamped prior to the time the hearing is scheduled to begin.

9. At the hearing, the parties **shall bring an original and three copies of each exhibit** they intend to introduce, **along with a completed exhibit list in the format set forth in Appendix A to this Decision.**

10. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

11. 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

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

Doug Dean,
Director