

Decision No. R14-0203

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0087BP

IN THE MATTER OF THE PETITION OF SAID ABDULLAH ABSHIR FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6102 (DRIVER) REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DISMISSING PETITION AND CLOSING PROCEEDING**

Mailed Date: February 24, 2014

I. STATEMENT

1. The above-captioned petition was filed with the Commission on January 24, 2014 by Said Abdullah Abshir (Abshir or Petitioner).
2. On January 28, 2013, the Commission notified Petitioner that the petition was not complete.
3. During the Commission's weekly meeting held February 5, 2014, the matter was referred to an administrative law judge for disposition.
4. By Decision No. R13-0143-I, issued February 6, 2014, Abshir was ordered to either cure the deficiencies noted by Commission Staff or to show cause why this matter should not be dismissed without prejudice.
5. On February 12, 2014, Abshir filed a confidential supplement to the petition. The supplement included the certification of the medical examiner that Abshir is medically qualified.

6. The medical examiner's finding that Abshir is medically qualified moots any request for waiver and resolves the pending matter. As a result, Proceeding No. 14V-0087BP may now be closed.

7. In accordance with § 40-6-109, C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The petition filed by Abdullah Abshir requesting a waiver of Rule 6102(driver) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6 is dismissed without prejudice.

2. Proceeding No. 14V-0087BP is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If

no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director