

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
DENYING REQUEST FOR WITNESS TESTIMONY AT
HEARING TO BE TAKEN BY TELEPHONE**

Mailed Date: March 24, 2014

I. STATEMENT

1. Applicant MT Acquisitions, LLC, doing business as Mountains Taxi (Mountains Taxi) filed a Request for Witness Testimony at Hearing to be Taken by Telephone (Motion) on February 21, 2014. According to the Motion, Mountains Taxi requests that the public witnesses it listed to testify at hearing be allowed to testify at the hearing by telephone. Mountains Taxi maintains that the witnesses do not want to expend the time and cost necessary to participate in the hearing in person. Mountains Taxi represents that the intervenors in this case would not be adversely affected in any way by granting the Motion.

2. On March 10, 2014, Colorado Cab Company, LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab (Colorado Cab) filed its Response in Opposition to Applicant's Request for Witness Testimony at Hearing to be Taken by Telephone. Colorado Cab notes that the Motion would allow approximately 13 witnesses to offer their testimony by telephone.

3. Colorado Cab further argues that allowing those witnesses to testify by telephone would affect its due process rights in that it would not have the opportunity to conduct full and fair cross-examination of Mountains Taxi's witnesses, particularly those whose testimony will address issues that Colorado Cab has the burden of proving. In addition, Colorado Cab argues that the personal appearance of the witnesses is required in order to observe the content of their testimony, as well as the manner of presenting such testimony, as well as the witnesses' demeanor and other non-verbal communications, in order to evaluate their credibility.

4. It is agreed with Colorado Cab that it is preferable to have witnesses testify in person rather than by telephone. In certain exigent circumstances, allowances may be made and witnesses may be allowed to testify by telephone. Mountains Taxi provides no evidence of the existence of exigent circumstances here, or any credible reason to allow its public witnesses to testify by telephone. Therefore, Mountains Taxi's Motion will be denied. Any witnesses it proposes to testify in this proceeding must testify in person at the evidentiary hearing.

II. ORDER

A. It Is Ordered That:

1. The Request for Witness Testimony at Hearing to be Taken by Telephone filed by MT Acquisitions, LLC, doing business as Mountains Taxi is denied.

2. All witnesses offering testimony at the evidentiary hearing in this proceeding must appear in person.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director