

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0071BP

IN THE MATTER OF THE APPLICATION OF DIVERSIFIED TRANSPORTATION AND
HI GO TOWN CAR, LLC, FOR A PERMIT TO OPERATE AS A CONTRACT CARRIER BY
MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
ADOPTING PROCEDURAL
SCHEDULE AND SETTING HEARING**

Mailed Date: April 10, 2014

I. STATEMENT

1. On January 16, 2014, Diversified Transportation and Hi Go Town Car, LLC (Applicant) filed an application for a permit to operate as a contract carrier by motor vehicle for hire (Application).¹

2. On January 27, 2014, the Commission issued notice of the Application as follows:

For authority to operate as a contract carrier by motor vehicle for hire for the transportation of

passengers

between all points in the Counties of Adams, Arapahoe, Boulder, Denver, and Douglas, State of Colorado.

RESTRICTIONS: This application is restricted:

- (A) to providing Non-Medical Transportation (NMT) services for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado;
- (B) to the transportation of passengers who are recipients of Medicaid;

¹ On January 23, 2014, Applicant filed an amendment to the Application in which it clarified the counties for which it seeks authority, as well as the proposed restrictions to the Application, and that Mr. Hajji Gobana wishes to represent the interests of Applicant in this proceeding without an attorney.

- (C) against providing service to or from hotels, motels, or airports;
- (D) against providing transportation to or from points in Douglas County south of a line beginning on the Douglas/Jefferson border to a point on the Douglas/Elbert border that is parallel to an east-west line drawn through Exit 172 on Interstate 25; and,
- (E) to the use of a maximum of two vehicles at any one time.

3. The sole intervenor in this matter is Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab (collectively, Colorado Cab).

4. By Interim Decision No. R14-0285-I issued March 13, 2014, a pre-hearing conference was set for March 24, 2014.

5. At the scheduled time the pre-hearing conference was held. Appearances were entered by Applicant and Colorado Cab.

6. It was determined that Applicant provided sufficient information to appear in this matter *pro se*. Counsel for Colorado Cab did not object to Applicant appearing on his own behalf.

7. After some discussion, it was agreed that a hearing on the Application would be scheduled for May 5, 2014. Applicant was required to file its preliminary list of witnesses and exhibits by April 8, 2014 and Colorado Cab was to file its witness and exhibit lists by April 22, 2014.

8. However, due to the delay in issuing this Decision, Applicant will be allowed to file its witness and exhibit lists by April 15, 2014, while Colorado Cab may file its witness and exhibit lists by April 25, 2014.

9. The testimony in this proceeding will be presented through oral testimony at the evidentiary hearing. For each witness (except a witness offered in rebuttal), a summary of testimony will be filed in advance of the hearing on the dates indicated above in

Paragraph No. 7. The summary of testimony will include at least the following information: (a) the witness's name; (b) the witness's address; (c) the witness's business telephone number; and (d) a statement of the content of the witness's expected testimony.

10. Rebuttal testimony may be presented at the hearing without the necessity of filing in advance of the hearing, a detailed summary of the rebuttal testimony.

11. With the exception of a witness offered in rebuttal, a witness may not be permitted to testify unless a summary of the testimony of that witness has been filed in advance of the hearing in accordance with this Decision.

12. Complete copies of all exhibits (except an exhibit offered in rebuttal) will be filed in advance of the hearing. (*See* filing dates in procedural schedule above). With the exception of an exhibit offered in rebuttal, an exhibit will not be admitted unless it has been filed in advance of the hearing in accordance with this Decision.

13. Commission Rule 4 *Code of Colorado Regulations* 723-1-1100 of the Commission's Rules of Practice and Procedure will govern the treatment of information and documents claimed to be confidential.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule set out above is adopted

2. An evidentiary hearing is scheduled as follows:

DATE: May 5, 2014

TIME: 10:00 a.m.

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

3. The parties shall be held to the advisements in this Decision.

4. 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