

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0337CP

IN THE MATTER OF THE APPLICATION OF COY CLUB, LLC DOING BUSINESS AS
DENVER BAR CART 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
PERMITTING COLORADO
CRUISERS TO BE REPRESENTED
BY A NON-ATTORNEY**

Mailed Date: June 20, 2014

I. STATEMENT

1. On April 14, 2014, CoY Club, LLC, doing business as Denver Bar Cart (Applicant) filed the above-captioned application. That same day, Applicant's counsel entered his appearance. Applicant amended the Application by filing made on April 21, 2014.

2. The Commission provided public notice of the Application on April 21, 2014.

3. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi, Northwest Suburban Taxi, Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab, Shamrock Taxi of Fort Collins Inc., Colorado Springs Transportation LLC, and Colorado Cruisers Inc., doing business as Colorado Crewz-In (Colorado Cruisers) timely intervened of right.

4. During the Commission's weekly meeting held May 28, 2014, the Commission deemed the Application complete and referred it to an administrative law judge (ALJ) for disposition.

5. In anticipation of the hearing on the Application, the ALJ scheduled a prehearing conference for June 16, 2014. Decision No. R14-0592-I.

6. On June 3, 2014, the ALJ ordered Colorado Cruisers to either make a filing showing cause why it may be represented by a non-attorney in this proceeding, or to have counsel enter an appearance. Decision No. R14-0593-I; *see* Rule 1201(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

7. Colorado Cruisers filed a timely response to Decision No. R14-0593-I, entitled “Response to Show Cause Order Re: Why Legal Counsel Is Not Required” (Response). The Response attempts to show cause why it may be represented by a non-attorney under Rule 1201(b), 4 CCR 723-1. That Response referenced exhibits that were not provided. The response also attempted to designate all three owners of Colorado Cruisers to represent it in this proceeding.

8. All parties appeared at the prehearing conference. Mr. Keith Covill, a non-attorney, appeared for Colorado Cruisers. The ALJ informed Mr. Covill that the ALJ would not allow Colorado Cruisers to be represented by all three owners in this proceeding; the ALJ told Mr. Covill that the company must designate a single individual to represent it in this proceeding. The ALJ ordered that, on or by June 20, 2014, Colorado Cruisers must file and serve the exhibits referenced in its Response, and a supplement to its Response which designates one individual to represent Colorado Cruisers. The ALJ ordered that the supplement must provide a factual basis for the ALJ to conclude that the designated individual has authority to represent Colorado Cruisers in this proceeding. Decision No. R14-0661-I.

9. On June 20, 2014, Colorado Cruisers filed a “Response to Show Cause Order Re: Why Legal Counsel Is Not Required” (Amended Response). The Amended Response designates

the Chief Executive Officer of Colorado Cruisers, Justin Grimmatt, (a non-attorney), to represent the company in this proceeding. Mr. Grimmatt is also an owner of Colorado Cruisers.

10. No objection has been filed to Colorado Cruisers' request that it be permitted to be represented by a non-attorney in this proceeding.

11. Based upon the original and Amended Response, the ALJ finds that Colorado Cruisers has met the requirements of Rule 1201(b), 4 CCR 723-1 and § 13-1-127, C.R.S. In particular, the ALJ finds that Colorado Cruisers may be represented by a non-attorney in this proceeding because it has provided satisfactory evidence that: it is a closely held entity, that the amount in controversy is less than \$15,000, and that Mr. Justin Grimmatt has authority to represent Colorado Cruisers. The ALJ will order that Colorado Cruisers may be represented by Mr. Justin Grimmatt in this proceeding.

12. Colorado Cruisers is on notice that its non-attorney representative will be bound by the same rules as attorneys. *Negron v. Golder*, 111 P.3d 538, 541 (Colo. App. 2004); *Loomis v. Seely*, 677 P.2d 400, 402 (Colo. App. 1983). To this end, Colorado Cruisers should familiarize itself with the legal authority that is applicable to this proceeding. For example, this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1, and the Rules Regulating Transportation by Motor Vehicle found at 4 CCR 723-6, which are available on the Commission's website at www.dora.colorado.gov/puc, and in hard copy from the Commission. This proceeding is also governed by the Colorado Rules of Evidence, which can be found at the following link, under the "Colorado Court Rules" tab: <http://www.lexisnexis.com/hottopics/colorado/>.

II. ORDER

A. It Is Ordered That:

1. Colorado Cruisers Inc., doing business as Colorado Crewz-In (Colorado Cruisers) may be represented in this proceeding by Mr. Justin Grimm, a non-attorney.
2. Colorado Cruisers will be held to all advisements contained in this Decision.
3. This Decision is effective *nunc pro tunc* May 20, 2014.
4. This Decision shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge