

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0382CP

IN THE MATTER OF THE APPLICATION OF GOLDEN GATE MANOR, INC., DOING BUSINESS AS STEEL CITY TAXI 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
REQUIRING PARTIES TO SUBMIT
JOINT FILING AND REQUIRING CITY CAB TO
SUPPLEMENT ITS INTERVENTION**

Mailed Date: June 23, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On April 28, 2014, Golden Gate Manor, Inc., doing business as Steel City Taxi (Applicant) filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application) in call-and-demand taxi service for authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers between all points in Pueblo County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

2. The Commission gave public notice of the Application on May 5, 2014.

3. On May 23, 2014, City Cab Co. (City Cab), filed an “Entry of Appearance and Notice of Intervention and Initial List of Witnesses and Exhibits” (Intervention).

On May 27, 2014, City Cab filed a “Corrected City Cab Intervention, Entry of Appearance, Witness and Exhibit List” (Corrected Intervention).¹

4. During its weekly meeting held June 11, 2014, the Commission deemed the Application complete and referred it to an administrative law judge (ALJ) for disposition.

A. The Parties Shall Submit A Joint Filing.

5. In lieu of scheduling a prehearing conference, the ALJ will order the parties to submit a joint filing which proposes at least two separate agreed-upon hearing dates, as well as a procedural schedule which includes the following: deadline for Applicant to file and serve a list of its exhibits and witnesses and exhibits, deadline for City Cab to file and serve a list of its exhibits and witnesses and exhibits, and a deadline to submit simultaneous post-hearing statements of position.² Applicant is ordered to coordinate the filing.

6. The parties should provide at least two hearing date options and should be clear as to the number of days the parties require for a hearing.

7. The hearing on the Application will be held in Pueblo, Colorado. A specific location will be determined after the parties have made their joint filing proposing hearing dates.

8. The ALJ has determined that the evidentiary hearing on the Application must be concluded no later than September 4, 2014. *See* § 40-6-109.5(2), C.R.S. The parties should keep this in mind when proposing hearing dates. Any hearing dates proposed after September 4, 2014 will be rejected.

¹ The ALJ notes that City Cab’s Intervention and Corrected Intervention inaccurately describes the authority sought by the Application.

² This will alleviate the need for counsel to drive to Denver to attend a prehearing conference.

9. In addition, the ALJ is unavailable to conduct a hearing on the following dates: August 4-8, August 13-15, and August 26, 2014.

B. City Cab Is Required to Supplement Its Intervention.

10. Rule 1401(e) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 requires that a notice of intervention of right include a copy of the common carrier's letter of authority.

11. City Cab's Intervention and Corrected Intervention filings each state that its letter of authority is attached, but neither filing includes the letter of authority. Nor has the authority been filed separately in this proceeding.

12. The requirements of Rule 1401(e), 4 CCR 723-1 are mandatory.

13. Given that both of City Cab's Interventions state that the letter of authority is attached, the ALJ believes that City Cab intended to comply with Rule 1401(e), but inadvertently failed to include the letter of authority. The ALJ will allow City Cab another opportunity to comply with Rule 1401(e), 4 CCR 723-1.

14. However, if City Cab fails to file a copy of its letter of authority in this proceeding by the deadline set forth below, the ALJ may issue an order denying City Cab the opportunity to intervene in this proceeding.

I. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, on or by 5:00 p.m. on July 3, 2014, the parties shall make a joint filing with the Commission which:

a) proposes at least two separate agreed-upon hearing dates;

- b) proposes a deadline for Golden Gate Manor, Inc., doing business as Steel City Taxi (Applicant) to file and serve a list of its exhibits and witnesses and exhibits;
 - c) proposes a deadline for City Cab Co. (City Cab), to file and serve a list of its exhibits and witnesses and exhibits, and a deadline to submit post-hearing statements of position; and
 - d) proposes a deadline for simultaneous post-hearing statements of position to be filed and served.
2. Applicant is ordered to coordinate the filing referenced in Ordering Paragraph 1.
3. On or by 5:00 p.m. on July 3, 2014, City Cab shall file a copy of its letter of authority in this proceeding.
4. This Decision is 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