

Decision No. R14-0764-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0608CP

DURANGO TAXI LLC,

COMPLAINANT,

v.

ANIMAS TRANSPORTATION AND DONALD TUNICK,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING HEARING AND
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: July 7, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On June 4, 2014, Durango Taxi LLC (Complainant), filed a formal Complaint (Complaint) with the Commission against Animas Transportation and Donald Tunick (Respondents).

3. On June 9, 2014, Commission Director Doug Dean issued an Order to Answer or Satisfy. At the same time, a Notice of Hearing was issued, scheduling the hearing on the Complaint for August 25, 2014 at 9:00 a.m.

4. During its weekly meeting held June 11, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

5. Respondents filed a Motion to Dismiss on July 1, 2014.¹

6. Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, Complainant has 14 days from the date of service to file a response to the Motion to Dismiss. Under the same rule, no replies are permitted unless otherwise ordered.

7. The ALJ will schedule a prehearing conference. At the prehearing conference, the parties should be prepared to discuss (and argue) their positions on the Motion to Dismiss, as well as a new hearing date and procedural schedule (as necessary).

8. The prehearing conference will be held by telephone. However, any party wishing to appear in person may do so by appearing at the Commission's office at the designated date, time, and location, as set forth below.

9. To appear by telephone, the party should dial (303) 869-0599 at the designated date and time. Dialing this number will connect the party into the hearing room without further action.

10. All parties are expected to appear at the prehearing conference by telephone or in person.²

¹ Respondents also filed a Notice of Technical Error Pursuant to Commission Rule 1211(d) (Notice). The Notice states that due to technical problems with the Commission's e-filing system, Respondents were unable to file their Motion to Dismiss when they originally attempted to file it on June 30, 2014. The Notice requests that the Motion to Dismiss be treated as if filed on June 30, 2014. The ALJ has not ruled upon this request.

² The parties may appear through counsel.

11. The parties are advised and are on notice that failure to appear at the prehearing conference may result a decision granting the appearing party the relief sought in this proceeding.

12. To allow time for the parties to disclose the witnesses and exhibits they intend to offer at the hearing on the merits of the Complaint, the ALJ will vacate the August 25, 2014 hearing date.

II. ORDER

A. It Is Ordered That:

1. The August 25, 2014 9:00 a.m. hearing in this proceeding is vacated.
2. A prehearing conference is scheduled as follows:

DATE: August 7, 2014

TIME: 1:00 p.m.

PLACE:

By Telephone: 303-869-0599

In Person: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director