

Decision No. R14-0809-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
GRANTING EXTENSION OF TIME
TO FILE RESPONSE TO MOTION TO DISMISS**

Mailed Date: July 11, 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 with the Commission against Animas Transportation and Donald Tunick (Respondents).

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

4. Respondents filed a Motion to Dismiss on July 1, 2014.

5. On July 7, 2014, by Decision No. R14-0764-I, the ALJ scheduled a prehearing conference and put the parties on notice that they should be prepared to discuss (and argue)

their positions on the Motion to Dismiss, as well as a hearing date and procedural schedule (as necessary). The same Decision vacated a prior hearing date. No hearing date is currently set.

6. On July 11, 2014, Complainant filed a “Motion for Extension of Time and Waiver of Response Time” (Motion). The Motion seeks a four-day extension of time for Complainant to file its response to the Motion to Dismiss. As grounds, Complainant states that its attorney, a solo practitioner, has unexpectedly been required to provide additional care and attention to his spouse due to surgery complications. The Motion demonstrates counsel’s good faith attempt to confer with Respondents’ counsel regarding the relief sought. However, he was unable to reach Respondent’s counsel and counsel had not responded to messages and emails as of the filing of the Motion.

7. The Motion further requests that the response time to the Motion be waived, in light of the fact that the deadline to file a response to the Motion to Dismiss expires on July 14, 2014.

8. The ALJ finds good cause to waive the response time to the Motion pursuant to the authority provided in Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 and will do so.

9. Under that same Rule, Complainant has 14 days from the date of service to file a response to the Motion to Dismiss. The deadline would expire on July 14, 2014. Complainant seeks to extend that deadline to July 18, 2014.

10. No hearings are scheduled to take place between July 14 and 18, 2014. And, a deadline of July 18, 2014 provides Respondents with ample time to prepare for the August 7, 2014 prehearing conference.

11. The ALJ finds that Complainant has demonstrated good cause for the short extension sought, and that no prejudice will result to any party by granting the extension. The ALJ will grant the extension.

II. ORDER

A. It Is Ordered That:

1. The “Motion for Extension of Time and Waiver of Response Time” (Motion) is granted.
2. The response time to the Motion is waived.
3. Durango Taxi LLC shall have until 5:00 p.m. on July 18, 2014 to file its response to the Motion to Dismiss filed by Animas Transportation and Donald Tunick.

4. 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