

Decision No. R14-1019-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14M-0410TR

IN THE MATTER OF THE PETITION OF RONALD FLEMING TO REVERSE AN
INITIAL DRIVER DISQUALIFICATION DETERMINATION PURSUANT TO
RULE 6105 OF 4 CODE OF COLORADO REGULATIONS 723-6.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
REQUIRING ADDITIONAL STAFF FILING**

Mailed Date: August 21, 2014

I. STATEMENT

1. On May 2, 2014, Mr. Ronald Fleming (Petitioner or Mr. Fleming) submitted a letter to the Commission. In that letter, Mr. Fleming requested that the Commission reverse the Staff of the Commission's (Staff) initial determination, based on the results of fingerprint-based criminal history background check, that disqualifies Mr. Fleming as a driver for exempt passenger carriers and/or taxi carriers.

2. The Commission determined that the letter is a petition to reverse Staff's initial disqualification determination. On May 7, 2014, by Minute Order, the Commission opened this Proceeding.

3. On May 7, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

4. On May 21, 2014, counsel for testimonial (litigation) Staff entered their appearances in this matter. In that filing and pursuant to Rule 4*Code of Colorado Regulations*

723-1-1007(a),¹ Staff counsel identified the testimonial (litigation) Staff and the advisory Staff in this Proceeding.

5. Mr. Fleming and Staff, collectively, are the Parties.

6. The procedural history of this Proceeding is set out in the Interim Decision previously issued. The procedural history is repeated here as necessary to put this Interim Decision in context.

7. On May 28, 2014, by Decision No. R14-0569-I and as pertinent here, the ALJ ordered Staff to file three proposed hearing dates on which the Parties and their witnesses are available in August 2014. Staff made the required filing and proposed hearing dates in August 2014, the latest of which was August 12, 2014.

8. Due to the press of other business, the ALJ failed to schedule the evidentiary hearing in this matter.

9. As a result, it is necessary to schedule the hearing date. To do so, the ALJ will order Staff: (a) to contact Petitioner to discuss possible hearing dates; and (b) to file, not later than **September 4, 2014**, three proposed hearing dates on which the Parties and their witnesses are available between September 15, 2014 and October 10, 2014.² The ALJ will choose, if possible, one of the suggested dates.

10. **The Parties are advised, and are on notice, that** failure to make a filing containing proposed hearing dates will result in the ALJ's selecting a hearing date without input from the Parties. In that event, the ALJ will ~~not~~ schedule the hearing date without ~~a~~ showing of good cause.

¹ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

² The ALJ is *not* available on September 30, 2014.

11. After selecting the date for the hearing, the ALJ will issue an Interim Decision scheduling the evidentiary hearing and establishing the procedural schedule.

II. ORDER

A. It Is Ordered That:

1. Not later than September 4, 2014, and following consultation with Mr. Ronald Fleming, Staff of the Commission shall file a list of three proposed evidentiary hearing dates between September 15, 2014 and October 10, 2014 on which the parties and their witnesses are available.

2. If Staff of the Commission does not make the filing required by Ordering Paragraph No. 1, then the Administrative Law Judge shall select the hearing date without input from the Parties. If the Administrative Law Judge selects the hearing date pursuant to this Ordering Paragraph, the Administrative Law Judge will not reschedule the hearing date without a showing of good cause.

3. Each party is held to the advisements contained in the Interim Decisions issued in this Proceeding.

4. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director