

Decision No. R14-1045-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0581BP

IN THE MATTER OF THE APPLICATION OF OBJAY & OBKAY SERVICES LLP FOR A
PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

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

Mailed Date: August 27, 2014

I. STATEMENT

1. On June 2, 2014, Objay and Obkay Services LLP (Applicant) filed an Application for a Permit to Operate as a Contract Carrier by Motor Vehicle for Hire (Application). Applicant filed an amendment to the Application on June 25, 2014, which included information attempting to address the issue of Applicant's representation in this proceeding.

2. The Commission provided public notice of the Application on July 14, 2014.

3. MKBS LLC, doing business as Metro Taxi, Colorado Springs Transportation LLC, doing business as Yellow Cab Company of Colorado Springs, and Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab filed timely interventions of right objecting to the Application. The interventions warrant an evidentiary hearing on the Application.

4. During the Commission's weekly meeting held August 20, 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 undersigned ALJ is scheduling a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

6. At the prehearing conference, the ALJ will provide information concerning the procedural aspects of this case, will schedule a hearing on the Application, and will establish deadlines for the parties to file and serve all evidence they wish to be considered in support of their position in this proceeding.

7. In addition, Applicant's representation by a non-attorney will also be addressed at the prehearing conference. *See* Rules 1200 and 1201, 4 CCR 723-1. Under those rules, parties to an adjudicative proceeding must be represented by counsel, except that an individual may represent his own interests, and a closely-held corporation (a company with less than three owners) may be represented by a non-attorney if it establishes, pursuant to § 13-1-127(2), C.R.S., that the amount in controversy does not exceed \$15,000 and the company provides the administrative agency with evidence, satisfactory to the agency, that the designated non-attorney representative has authority to act on the company's behalf.¹

No attorney has entered an appearance for Applicant, a limited liability partnership. Thus, Applicant must be prepared to either obtain counsel, or to show at the prehearing conference that it is entitled to be represented by its designated non-attorney. The ALJ notes that the Application attempts to comply with the referenced Commission rules, but that it does not provide a factual basis for the ALJ to conclude that less than \$15,000 are in controversy.

¹ Section 13-1-127(1)(i), C.R.S., defines "officer" as "a person generally or specifically authorized by an entity to take any action contemplated by" § 13-1-127, C.R.S. As pertinent here, § 13-1-127(2.3), C.R.S., states that an officer of a corporation "shall be presumed to have the authority to appear on behalf of the closely held entity upon providing evidence of the person's holding the specified office or status[.]"

8. All parties are expected to appear in person at the prehearing conference.²

9. The parties are advised and on notice that failure to appear at the prehearing conference may result in dismissal of the Application without prejudice, or a decision denying an intervenor the ability to participate in this proceeding.

II. ORDER

A. It Is Ordered That:

1. A prehearing conference in this proceeding is scheduled as follows:

DATE: September 9, 2014

TIME: 11:30 a.m.

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

2. All parties will be held to advisements in this Decision.

² A party may appear through counsel.

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