

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
SUSPENDING THIS PROCEEDING,
REQUIRING FILING BY RONALD FLEMING,
AND CONTAINING ADVISEMENTS**

Mailed Date: September 9, 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 a 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 August 21, 2014, by Decision No. R14-1019-I and as pertinent here, the ALJ ordered Staff to file three proposed hearing dates on which the Parties and their witnesses would be available. The proposed hearing dates were to be between September 15, 2014 and October 10, 2014. After selecting the date for the hearing, the ALJ was to issue an Interim Decision scheduling the evidentiary hearing and establishing the procedural schedule.

8. On September 3, 2014, Staff made its Filing Regarding Additional Proposed Hearing Dates (Staff Filing). In that document, Staff: (a) recounted its unsuccessful attempts to contact Petitioner; (b) stated that, on information and belief, Petitioner is incarcerated at present but should be released from custody in mid-January 2015; (c) to comply with Decision No. R14-1019-I, proposed hearing dates in October 2014; and (d) in recognition of Petitioner's unavailability until mid-January 2015, proposed hearing dates in late January 2015.

9. Based on the information in the Staff Filing and pending further order, the ALJ will suspend this Proceeding until **February 20, 2015**.

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

10. The ALJ will order Petitioner to make, not later than **February 6, 2015**, a filing that states whether he wishes to pursue his request that the Commission reverse Staff's initial determination that disqualifies him as a driver for exempt passenger carriers and/or taxi carriers.

11. **Mr. Fleming is advised, and is on notice, that**, if he does not make a filing as required by this Interim Decision, the ALJ will dismiss this Proceeding without prejudice.

12. **Mr. Fleming is advised, and is on notice, that**, if the ALJ dismisses this Proceeding, the Staff's initial determination that disqualifies him as a driver for exempt passenger carriers and/or taxi carriers will continue in effect and, as a result, he will be unable to drive for exempt passenger carriers and/or taxi carriers.

13. **The Parties are advised, and are on notice, that**, if Mr. Fleming makes the filing required by this Interim Decision, the ALJ will issue an Interim Decision that activates this Proceeding and that requires filings.

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion and pending further order, this Proceeding is suspended until February 20, 2015.

2. Not later than February 6, 2015, Mr. Ronald Fleming shall make a filing that complies with paragraph 10, above.

3. If Mr. Ronald Fleming does not make a filing as required by Ordering Paragraph No. 2, the Administrative Law Judge will dismiss this Proceeding without prejudice.

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

5. 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