

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-1009CP

IN THE MATTER OF THE PETITION OF LAVANDRIS SELFE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6102 (DRIVER) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
REQUIRING SUPPLEMENTAL
FILING BY NOVEMBER 14, 2014**

Mailed Date: October 21, 2014

I. STATEMENT

1. On October 6, 2014, Mr. Lavandris Selfe (Petitioner) filed a verified Petition for Waiver/Variance of Safety Regulations -Driver. The filing commenced this Proceeding.
2. On October 15, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).
3. Two documents are attached to the Petition: (a) a DOT [Department of Transportation] Medical Examination Letter to Physician (DOT letter) with attached correspondence from Darren Dennis (collectively, Dennis letter); and (b) Petitioner's Background Screening Results, Motor Vehicle Records Search for the past three years (driving record). The Dennis letter and the driving record contain Petitioner's social security number or date of birth (or both) or is a confidential medical report. As a result, these documents contain information that is confidential and are filed under seal with the Commission.

4. The DOT letter references a DOT medical certification examination and implies that Petitioner recently has undergone such an examination. A DOT medical certification examination is an examination performed pursuant to federal regulations that the Commission has incorporated by reference into the Rules Regulating Transportation by Motor Vehicle, Part 6 of 4 *Code of Colorado Regulations* (CCR) 723. Rule 4 CCR 723-6-6102. Without the results of a DOT medical certification examination, the ALJ cannot determine whether Petitioner meets all applicable driver qualifications except the qualification for which a waiver is sought.

5. The document that contains the results of a DOT medical certification examination is a Medical Examination Report for Commercial Driver Fitness Determination. Despite the instruction on the Petition at 1 that requires the submission of “[a] copy of the driver’s medical examination[,]” Petitioner did not provide with the Petition a Medical Examination Report for Commercial Driver Fitness Determination.

6. The ALJ will order Petitioner to file, not later than **November 14, 2014**, a Medical Examination Report for Commercial Driver Fitness Determination.

7. **Petitioner is advised and is on notice that** if he does not file a Medical Examination Report for Commercial Driver Fitness Determination by November 14, 2014 as required by this Interim Decision, the ALJ will dismiss (without prejudice) the Petition.

II. ORDER

A. It Is Ordered That:

1. Not later than November 14, 2014, Petitioner Lavandris Selfe shall file a copy of the Medical Examination Report for Commercial Driver Fitness Determination on which he relies in this Proceeding.

2. Consistent with the discussion above, if Petitioner Lavandris Selfe fails to comply with Ordering Paragraph No. 1, the Administrative Law Judge will dismiss the Petition without prejudice.

3. 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