

Decision No. R14-1325-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 14A-0871CP

IN THE MATTER OF THE APPLICATION OF ETUK DENVER, LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
ADOPTING PROCEDURAL SCHEDULE**

Mailed Date: November 3, 2014

I. STATEMENT

1. On August 19, 2014, eTuk Denver, LLC (Applicant) filed an application for a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier by motor vehicle for hire (Application).

2. On August 25, 2014, the Commission issued notice of the Application as follows:

For authority

to operate as a common carrier by motor vehicle for hire

for the transportation of passengers

in scheduled service, call and demand shuttle service, call and demand charter service, and call and demand sight-seeing service

between all points within a 5-mile radius of Union Station, 17th Street and Wynkoop Street, Denver, Colorado 80202.

RESTRICTIONS:

This application is restricted against providing transportation on streets with a speed limit above 35 miles per hour.

3. Intervenor in this Application Proceeding include MKBS, LLC, doing business as Metro Taxi (Metro Taxi); Colorado Jitney, LLC, doing business as Colorado Jitney (Colorado Jitney); Colorado Cruisers, doing business as Colorado Crewz-In (Colorado Cruisers); and, Colorado Cab Company LLC, doing business as Denver Yellow Cab (Colorado Cab).

4. On October 1, 2014, the Commission, at its regular weekly meeting, deemed the application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

5. By Interim Decision No. R14-1232-I, a pre-hearing conference was scheduled for October 30, 2014. At the scheduled date and time the pre-hearing conference was held. Appearances were entered on behalf of Applicant, Metro Taxi, Colorado Jitney, Colorado Cruisers and Colorado Cab.

6. During the pre-hearing conference, it was determined that Colorado Jitney and Colorado Cruisers each showed good cause to allow those two entities to be represented *pro se* in this proceeding. Applicant did not object to the requests.

7. After some discussion, it was agreed that a hearing on the Application would be scheduled for January 6 and 7, 2015. Applicant is required to file its initial list of witnesses and exhibits by November 21, 2014. Intervenor is required to file their initial list of witnesses and exhibits by December 12, 2014.

8. The testimony in this proceeding will be presented through oral testimony at the evidentiary hearing. For each witness (except a witness offered in rebuttal), a summary of testimony will be filed in advance of the hearing on the dates indicated above in Paragraph No. 7. The summary of testimony will include at least the following information:

(a) the witness's name; (b) the witness's address; (c) the witness's business telephone number; (d) a statement of the content of the witness's expected testimony.

9. Rebuttal testimony may be presented at the hearing without the necessity of filing in advance of the hearing, a detailed summary of the rebuttal testimony.

10. With the exception of a witness offered in rebuttal, a witness may not be permitted to testify unless a summary of the testimony of that witness has been filed in advance of the hearing in accordance with this Order.

11. Complete copies of all exhibits (except an exhibit offered in rebuttal) will be filed in advance of the hearing. (*See* filing dates in procedural schedule above). With the exception of an exhibit offered in rebuttal, an exhibit will not be admitted unless it has been filed in advance of the hearing in accordance with this Order.

12. Commission Rule 4 CCR 723-1-1100 will govern the treatment of information and documents claimed to be confidential.

II. ORDER

A. It is Ordered That:

1. The procedural schedule set out above is adopted.
2. An evidentiary is scheduled in this matter as follows:

DATE: January 6 through 7, 2015

TIME: 9:00 a.m.

PLACE: Hearing Room

Colorado Public Utilities Commission

1560 Broadway, Suite 250

Denver, Colorado

3. The parties shall be held to the advisements in this Decision.
4. This Order is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge