

Decision No. R14-1358-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0930CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MY CAR SERVICE NOW, LLC, DOING
BUSINESS AS SMART RIDES, TO EXTEND OPERATIONS UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY NO. 55852.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING AND
ESTABLISHING DEADLINES**

Mailed Date: November 12, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Procedural History.

1. My Car Service Now, LLC, doing business as Smart Rides, filed an Application to Extend Operations Under Certificate of Public Convenience and Necessity No. 55852 (Application) with the Colorado Public Utilities Commission (Commission) on September 12, 2014.

2. The Commission gave public Notice of the amended Application on September 22, 2014.

3. The Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

4. Shamrock Taxi of Fort Collins, Inc., and Shamrock Charters, Inc. filed a timely intervention objection to the authority sought by the Application. The intervention warrants an evidentiary hearing on the Application.

5. The ALJ will schedule a hearing on the Application to take place in Greeley, Colorado for two days, as set forth below.¹ The ALJ will also establish a procedural schedule for the parties to file and serve a list of witnesses and exhibits to be presented at the hearing.

6. All parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1. The ALJ expects the parties to comply with the Rules of Practice and Procedure. The rules are available on the Commission's website (www.dora.colorado.gov/puc) and in hard copy from the Commission.

7. All parties are advised that failure to make disclosures as required by this Decision may result in a decision dismissing the Complaint without prejudice, or a decision preventing the party who violates this Decision from presenting undisclosed witnesses and evidence at the evidentiary hearing.

¹ The ALJ informally offered several hearing dates to the parties and requested the parties respond with their availability by 5:00 p.m. on November 11, 2014. The ALJ also asked the parties to indicate the number of days needed for a hearing. The parties were warned that failure to respond would result in a hearing being scheduled without their input. The parties did not respond.

II. ORDER**A. It Is Ordered That:**

1. A hearing on the merits of the Application to Extend Operations Under Certificate of Public Convenience and Necessity No. 55852 (Application) filed by My Car Service Now, LLC, doing business as Smart Rides (Applicant) is scheduled as follows:

DATES: January 26 and 27, 2015

TIMES: 10:00 a.m. each day

PLACE: Weld County Combined Courts
Fourth Floor, Division/Courtroom 10
901 9th Avenue
Greeley, Colorado 80631

2. At the above date, time, and place you will be given the opportunity to be heard if you so desire.

3. The Administrative Law Judge has scheduled the hearing for two days. If the parties agree that only one day is needed, they may file a joint or unopposed motion to vacate one of the hearing dates. In such a circumstance, the parties should make the referenced filing at least ten calendar days before the hearing is scheduled to begin.

4. Applicant shall file with the Commission and serve on all parties its exhibit and witness lists and exhibits on or by 5:00 p.m. MST on December 15, 2014.

5. Shamrock Taxi of Fort Collins, Inc., and Shamrock Charters, Inc. shall file with the Commission and serve on all parties their exhibit and witness lists and exhibits on or by 5:00 p.m. MST on January 5, 2014.

6. Witness lists shall include a description of the witnesses' anticipated testimony, the witnesses' name and job title (if any), and the witnesses' last known address and telephone number.

7. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, Exhibit 3). The parties shall work together to coordinate sequential numbering of all exhibits (*e.g.*, Applicant may agree to use exhibit numbers 1-100, while an intervener uses exhibit numbers 101-200).

8. Exhibits shall be marked to include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing. The parties must have all their exhibits pre-marked and properly identified prior to the time the hearing is scheduled to begin.

9. At the hearing, the parties shall bring an original copy of their exhibits as well as enough copies of the exhibits so there is a copy available for each party, for the witness stand, and for the administrative law judge.

8. The parties shall also bring to the hearing a completed exhibit list in the format set forth in Appendix A to this Decision.

9. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number *each page* of the exhibit.

10. Failure to file and serve witness lists as required by this Decision, except witnesses called in rebuttal, may result in a decision prohibiting any undisclosed witnesses from testifying.

11. Failure to file and serve exhibits as required by this Decision, except exhibits for rebuttal or impeachment, may result in a decision rejecting the admission of undisclosed exhibits.

12. This Decision 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

MELODY MIRBABA

Administrative Law Judge