

Decision No. R14-1391-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14G-0991EC

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PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

U.S. SEDAN SERVICE INC.,

RESPONDENT.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
RESCHEDULING HEARING AND ADVISING  
RESPONDENT REGARDING ITS REPRESENTATION**

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Mailed Date: November 20, 2014

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. This matter is scheduled for a hearing to take place on December 15, 2014 regarding the merits of Civil Penalty Assessment Notice No. 109820 against U.S. Sedan Services, Inc. (Respondent). Decision No. R14-1330-I issued November 3, 2014.

3. On November 19, 2014, Trial Staff of the Public Utilities Commission (Staff) filed an "Unopposed Motion to Continue Hearing Date" (Motion). The Motion seeks to continue the December 15, 2014 hearing because counsel for Staff will be travelling internationally on the

date scheduled for the hearing. The Motion states that Staff conferred with a representative for Respondent, Adil Fanou, and that Respondent does not object to the relief sought by the Motion.

4. Because the Motion is unopposed, the Administrative Law Judge (ALJ) will *sua sponte* waive the response time to it. Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

5. For good cause shown, the ALJ will grant the Motion. The hearing will be rescheduled for January 5, 2015, as set forth below.

6. No attorney has entered an appearance on behalf of Respondent in this adjudicative proceeding. Respondent is on notice that generally, a party in a proceeding before the Commission must be represented by an attorney authorized to practice law in the State of Colorado. Rule 1201(a), of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

7. There are few exceptions to Rule 1201(a). For instance, a non-attorney may represent the interests of a closely-held entity, as provided in § 13-1-127, C.R.S. Rule 1201(b)(II), 4 CCR 723-1. If Respondent wishes to be represented by a non-attorney, it must establish the following: (a) it is a closely-held entity, which is an entity with "no more than three owners;" (b) the amount in controversy does not exceed \$15,000; and (c) the person designated to represent Respondent is authorized to represent it.<sup>1</sup> Section 13-1-127(1)(a), C.R.S.

8. If Respondent wishes to be represented by a non-attorney, Respondent must either make a filing meeting the criteria set forth in ¶ 7 above, or must meet that criteria at the time of the rescheduled hearing.

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<sup>1</sup> 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[.]"

## **II. ORDER**

### **A. It Is Ordered That:**

1. The response time to the Unopposed Motion to Continue Hearing Date (Motion) is waived.

2. The Motion is granted.

3. The hearing scheduled in this proceeding for December 15, 2014 is continued. No hearing will be held on that date in this matter.

4. An evidentiary hearing on the merits of the Civil Penalty Assessment Notice in this proceeding is scheduled as follows:

DATE: January 5, 2015

TIME: 10:00 a.m.

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

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

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director