

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0210TNC

IN THE MATTER OF THE PETITION OF NORMAN K. SOLOMON JR. FOR A
WAIVER OF RULE 6713 (PROOF OF MEDICAL FITNESS) OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DISMISSING PETITION WITHOUT PREJUDICE**

Mailed Date: June 4, 2019

I. STATEMENT

1. On April 24, 2019, Norman K. Solomon, Jr. (Petitioner) filed a verified Petition for Waiver/Variance of Safety Regulations – Driver (Petition). Petitioner also filed a copy of his Official Colorado Seven-Year Driver Record, and General Eye Examination Report prepared by William P. Breen, O.D. of Vision Source. Notably, Petitioner failed to file a Colorado TNC Driver Questionnaire for Medical Examination and a Colorado TNC Driver - Medical Examiner's Certificate.

2. Petitioner seeks a two-year waiver of Commission Rule 6713(a) of the Commission's Rules Regulating Transportation by Motor Vehicle, to allow Petitioner to drive for a Transportation Network Company (TNC).¹

3. This proceeding was referred to an Administrative Law Judge for disposition by minute entry during the Commission's weekly meeting held on May 8, 2019.

¹ 4 Code of Colorado Regulations 723-6.

4. By Decision No. R19-0416-I, issued May 14, 2019, Petitioner was informed that the petition was incomplete and he was ordered to either cure the deficiencies noted or to show cause why this matter should not be dismissed without prejudice by May 29, 2019. Specifically, Petitioner failed to file a Colorado TNC Driver Questionnaire for Medical Examination and a Colorado TNC Driver - Medical Examiner's Certificate.

5. On May 17, 2019, Petitioner filed a confidential supplement to the petition to cure the deficiency noted. Notably, the supplement included the certification of the medical examiner that Petitioner is medically qualified to drive without conditions.

6. The medical examiner's finding that Petitioner is medically qualified moots any request for waiver and resolves the pending matter. As a result, Proceeding No. 19V-0210TNC may now be closed.

7. In accordance with § 40-6-109, C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The petition filed by Norman K. Solomon, Jr. (Petitioner) requesting a waiver of Rule 6713(driver) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6 is dismissed without prejudice.

2. Proceeding No. 19V-0210TNC is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge