

Decision No. R19-0630-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0327TNC

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

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING ON PETITION**

Mailed Date: July 24, 2019

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Summary.

1. This Decision schedules a hearing before the Commission on Mr. Eliud Mercado-Carrion's Petition for a Waiver of Rule 6713 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 (Petition). At the hearing, Mr. Mercado-Carrion may present evidence and arguments in support of his Petition. This Decision also advises that failing to appear at the hearing may result in a decision denying the Petition's requested relief.

B. Procedural History and Findings.

2. On July 9, 2019, the undersigned Administrative Law Judge (ALJ) entered a decision requiring Mr. Mercado-Carrion to make a filing with the Commission that provides additional information by July 23, 2019. Decision No. R19-0568-I. Specifically, the Decision requires Mr. Mercado-Carrion to: provide information indicating whether he uses any

devices that impact the medical condition or impairment at issue in his Petition, and if so, how the devices impact his impairment and ability to operate a motor vehicle; explain the circumstances surrounding his February 29, 2019 conviction for careless driving, including whether his medical condition or impairment at issue here influenced or caused the violation, and if so, how; provide any other information relevant to the above; and provide information relating to considerations of hardship or equity. *Id.*

3. The Decision also advised Mr. Mercado-Carrion that if he does not provide the required information, the ALJ will schedule an evidentiary hearing in this matter and that Mr. Mercado-Carrion will be required to appear at the hearing to present evidence in support of the relief he seeks in this matter. *Id.*

4. Mr. Mercado-Carrion did not make the required filing. As a result, the ALJ is scheduling this matter for an evidentiary hearing, as detailed below.

5. *Mr. Mercado-Carrion is advised and on notice* that if he fails to appear at the hearing, the ALJ may deem that as abandoning his Petition, and may dismiss the Petition without granting Mr. Mercado-Carrion the relief he seeks.

II. ORDER

A. It Is Ordered That:

1. An evidentiary hearing is scheduled on the merits of Mr. Eliud Mercado-Carrion's Petition for a Waiver of Rule 6713 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 as follows:

DATE: August 6, 2019
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director