

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0435TNC

IN THE MATTER OF THE PETITION OF AIMEN BABIKIR ELTURABI FOR A WAIVER OF RULE 6713(C) (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: September 25, 2019

I. STATEMENT

1. On August 6, 2019, Aimen Babikir Elturabi (Petitioner) filed a verified Petition for Waiver/Variance of Safety Regulations – TNC Driver (Form PFW-TNC-1, Revised 5/15/2019) (Petition). Petitioner requests a waiver of the specific subparagraph(s) of Rule 6713(c) of the Transportation Network Company Rules: “(II) – Diabetes mellitus currently requiring insulin for control.” Petition at 1. In support, Petitioner filed a Medical Examination Report Form (Form MCSA-5875), a Medical Examiner’s Certificate (Form MCSA-5876), and a Colorado driver’s license.

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

¹ 4 Code of Colorado Regulations 723-6.

3. This proceeding was referred to an Administrative Law Judge for disposition by minute entry during the Commission's weekly meeting held on August 21, 2019.

4. By Decision No. R19-0735-I, issued September 5, 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 September 20, 2019. Specifically, Petitioner failed to provide any support for the requested relief from a qualified medical professional and a Driver Record for the past three years in any other state that he was issued a Driver's License.

5. Petitioner failed to respond to the order to show cause. Therefore, the Petition will be dismissed without prejudice.

6. 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 Aimen Babikir Elturabi on August 6, 2019, 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-0435TNC 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)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director