

Decision No. R19-0808-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19G-0484EC

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

WISDOM LIMO LLC,

RESPONDENT.

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

Mailed Date: October 1, 2019

I. STATEMENT

1. On September 11, 2019, Colorado Public Utilities Trial Staff (Trial Staff) issued Wisdom Limo LLC (Wisdom) a Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 124702 (CPAN) alleging one violation of Rule 6007 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. The next day, Mr. Huburt W. Barton submitted a request for a hearing on the CPAN on behalf of Wisdom.

2. The Commission referred this matter to an Administrative Law Judge (ALJ) for disposition on September 25, 2019. The undersigned ALJ is scheduling this matter for a hearing to address the merits of the CPAN. All parties must appear at the hearing, as noticed below.

3. Any party unable to appear at the hearing must file a motion before the hearing, asking to reschedule the hearing for another date. Such a motion must state the reason the party is unable to attend the hearing, and must identify the dates the party is available for a hearing.

4. *The parties are on notice* that failing to appear at the hearing without filing a motion seeking to reschedule the hearing may result in a decision adverse to their interests, including granting the relief requested in the CPAN (if Wisdom fails to appear), and dismissing the CPAN (if Trial Staff fails to appear).

5. *Wisdom is on notice* that because it is a limited liability company, Commission Rules generally require that Wisdom be represented by an attorney, and that if it wishes to be represented by a non-attorney, it must be prepared to establish that it is entitled to do so at the time of the hearing in this matter. *See* Rule 1201, 4 CCR 723-1, Rules of Practice and Procedure. Wisdom may be represented by a non-attorney if it establishes: (a) that it has no more than three owners; (b) the amount at issue in the proceeding is less than \$15,000; and (c) that the person designated to represent Wisdom has authority to do so. § 13-1-127, C.R.S., and Rule 1201(b), 4 CCR 723-1.

6. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this case.

7. All parties must bring an original and four copies of each exhibit that they intend to introduce at the hearing in support of their position in this case. Exhibits must be marked for identification; this may be done in advance of the hearing, or at the time of the hearing. Trial Staff is assigned Hearing Exhibit numbers 1 through 99 and Wisdom is assigned Hearing Exhibit

numbers 100 through 199. Any exhibit longer than two pages must be sequentially page numbered on each page of the exhibit.

II. ORDER

A. It Is Ordered That:

1. A hearing on the merits of the Civil Penalty Assessment Notice in this proceeding is scheduled as follows:

DATE: November 5, 2019
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
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

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

Doug Dean,
Director