

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0549TNC

IN THE MATTER OF THE PETITION OF CALDER LOUIS VASOLD 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: November 18, 2019

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Summary.

1. Because the record does not contain enough information for the Administrative Law Judge (ALJ) to grant the Petition in this matter, and Mr. Vasold did not submit the additional information required by Decision No. R19-0880-I, the ALJ is scheduling this matter for an evidentiary hearing. At the hearing, Mr. Vasold 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. Background and Findings.

2. Mr. Calder Louis Vasold commenced this proceeding by filing the above-captioned Petition on October 9, 2019. The Petition seeks a waiver of Rule 6713 of the Rules Regulating Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. That Rule prohibits transportation network companies from allowing drivers who are not medically examined and certified qualified to drive to log into its digital network.

3. As noted in Decision No. R19-0880-I, Mr. Vasold filed documents in support of his Petition, including an incomplete copy of a “TNC Medical Examination Report” (Report). Specifically, the pages of the Report that were submitted indicate that it is four pages long, but only three pages were submitted. More importantly, a portion of page three of the Report was cut-off and, therefore is incomplete.¹ That missing information appears to include incomplete medical examiner notes concerning specific conditions or circumstances directly relating to whether Mr. Vasold is medically qualified to drive for a transportation network company.

4. Because the Report is incomplete and directly relates to whether the Petition should be granted, on October 30, 2019, the ALJ issued an order requiring that Mr. Vasold submit the complete Report. Decision No. R19-0881-I. Specifically, Decision No. R19-0881-I requires Mr. Vasold to submit the complete Report by the close of business on November 12, 2019. The Decision warns that if Mr. Vasold does not submit the information as required, that the Petition may be decided based on the current record and may be denied.

5. As of the date of this Decision, Mr. Vasold still has not submitted the required information. The ALJ has reviewed the complete record in this proceeding, and has determined that the record lacks key information necessary for the ALJ to grant the Petition. Rather than denying the Petition based on the current record, the ALJ is scheduling an evidentiary hearing to

¹ The Report is formatted to be horizontal, which means that information is printed and hand-written horizontally across the document, rather than vertically. It appears that page 3 of the Report was copied vertically, rather than horizontally; the result is that the copy Mr. Vasold submitted with his Petition is missing information.

give Mr. Vasold a final opportunity to present evidence, including the missing information, in support of his Petition.

6. *Mr. Vasold is advised and on notice* that if he does not appear at the evidentiary hearing scheduled by this Decision, the ALJ may deem that as abandoning his Petition, and may dismiss the Petition without granting Mr. Vasold the relief he seeks.

II. **ORDER**

A. **It Is Ordered That:**

1. An evidentiary hearing is scheduled on the merits of Mr. Calder Louis Vasold's Petition for a Waiver of Rule 6713 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6 as follows:

DATE: December 3, 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

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

Doug Dean,
Director