

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-049BP

IN THE MATTER OF THE APPLICATION OF DIALED-IN-AUTO, LLC, 3060 SOUTH DAHLIA STREET, DENVER, COLORADO 80222 FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DENYING MOTION TO SHORTEN RESPONSE TIME AND
REJECTING STIPULATION**

Mailed Date: March 29, 2004

I. STATEMENT

1. The captioned application of Dialed-In-Auto, LLC (Dialed-In), was filed with the Colorado Public Utilities Commission (Commission) on January 29, 2004, and was published in the Commission's "Notice of Applications Filed" on February 9, 2004. It is currently scheduled for hearing on April 12, 2004.

2. Golden West Commuter, LLC (Golden West) and R&R Transportation, Inc., have filed interventions in this matter.

3. On March 23, 2004, Golden West filed a Motion to Dismiss and Alternate Motion *In Limine*; Motion for Shortened Response Time and Postponement of Hearing; Motion for Attorneys Fees (Motion). A portion of the Motion requests that Dialed-In be required to submit its response to the same on or before March 30, 2004.

4. It is noted that the 14-day response period to the Motion provided by 4 *Code of Colorado Regulations* 723-1-22(b) will expire on April 6, 2004, approximately one week prior to

the currently scheduled hearing date. A response filed on or before that date will allow sufficient time to decide the Motion prior to hearing. Therefore, that portion of the Motion requesting that response time thereto be shortened will be denied.

5. On March 26, 2004, Dialed-In and Golden West filed a pleading entitled “Stipulation of Parties; Motion to Restrictively Amend Application and to Withdraw Intervention” (Stipulation). The Stipulation indicates that Dialed-In wishes to restrictively amend the application in certain respects and, upon Commission approval of such amendments, that Golden West wishes to withdraw its intervention. It also correctly states that Commission approval of the amendments set forth therein would render the Motion moot.

6. While the restrictive amendments set forth in the Stipulation are acceptable and would ordinarily be approved, it must be rejected in its current form.

7. The application indicates that Dialed-In is a limited liability company with two members, Virgie E. Washington and Ali R. Mohammadi. The verification portion (paragraph 14) of the application contains the signatures of both these individuals. The Dialed-In signature block contained on page 3 of the Stipulation has not been completed (*i.e.*, signed and dated) by either of its members. Instead, it contains only the printed name of Ali R. Mohammadi along with the designation “owner.” The printed name does not resemble the signature of Ali R. Mohammadi contained in the application. As a result, in its present form it cannot be determined whether the Stipulation has been approved by one of Dialed-In’s authorized representatives.¹ Therefore, it must be rejected for this reason.

¹ The parties may wish to resubmit a properly executed Stipulation; *i.e.*, one containing the original signature of Vergie E. Washington or Ali R. Mohammadi, a designation that the individual executing the Stipulation is a member of Dialed-In, and the date that individual executed the Stipulation.

II. ORDER**A. It Is Ordered That:**

1. That portion of the Motion to Dismiss and Alternate Motion *In Limine*; Motion for Shortened Response Time and Postponement of Hearing; Motion for Attorneys Fees filed by Golden West Commuter, LLC requesting that the response time thereto be shortened is denied.

2. Dialed-In-Auto, Inc., shall file any desired response to the above-described motion on or before April 6, 2004. Its failure to do so may be deemed a confession of the motion.

3. The Stipulation of Parties; Motion to Restrictively Amend Application and to Withdraw Intervention filed by Golden West Commuter, LLC and Dialed-In-Auto, LLC, is rejected and/or denied.

4. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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