

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-089BP

IN THE MATTER OF THE APPLICATION OF DARREL SEGERS, D/B/A DESIGNATED DRIVER SERVICES, 3012 ½ HILL COURT, GRAND JUNCTION, COLORADO 81504, FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
TEMPORARILY SUSPENDING RULE 71(B)
WITNESS AND EXHIBITS LIST FILING REQUIREMENTS**

Mailed Date: April 12, 2004

I. STATEMENT

1. The captioned application of Darrel Segers, doing business as Designated Driver Services (Segers), was filed with the Colorado Public Utilities Commission on February 19, 2004, and was published in the Commission's "Notice of Applications Filed" on March 8, 2004.

2. Tazco, Inc., doing business as Sunshine Taxi (Sunshine Taxi), has intervened in this matter.¹

3. On March 17, 2004, Segers filed a pleading entitled "Amendments to Application, Additional Contracts, Increase Estimated Immediate Cash Flow, Adopt Restrictions" (Amendment). The relief requested by the Amendment required that this application be re-noticed. Therefore, on March 31, 2004, the undersigned administrative law judge ordered that

¹ The request of another intervenor, Agnes Weir, doing business as Care Cars, that her intervention be withdrawn upon the approval of certain restrictive amendments agreed to by Segers has been granted. *See*, Decision No. R04-0321-I.

this application be re-noticed in the Commission's April 5, 2004, "Notice of Applications Filed" and, further, that the intervention period to such re-noticed application be shortened to ten days. *See*, Decision No. R04-0336-I. That decision also vacated the original May 12, 2004, hearing date and ordered that a pre-hearing conference be held in this matter on or before that date.

4. On April 7, 2004, Segers filed a pleading entitled "Response to Decision No. R04-0336-I." Among other things, this pleading requested confirmation that the deadlines imposed by Rule 71 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-71, for the filing of Segers' list of witnesses and copies of exhibits would be extended consistent with the re-notice date (*i.e.*, ten days after expiration of the intervention deadline; or, in this case, April 26, 2004).²

5. Ordinarily, April 26, 2004, would be the appropriate deadline for submission of Segers' witness/exhibits list under these circumstances. However, in light of the fact that a pre-hearing conference will be held in this matter, the witness/exhibits list filing deadlines established by Rule 71(b) for both Segers and Sunshine Taxi will be temporarily suspended. Appropriate deadlines for the filing of witness/exhibits lists by the parties will be discussed and established at the pre-hearing conference and will be memorialized in a subsequent order.

6. The last paragraph of Segers' "Response to Decision No. R04-0336-I" makes reference to certain "motions" along with an apparent understanding by Segers that Decision No. R04-0336-I rendered such motions moot. That paragraph also refers to certain "first supplement motions" and requests that they be denied. These references are unclear and confusing. While Decision No. R04-0336-I did render certain portions of motions filed by

² The tenth day following expiration of the intervention deadline is April 25, 2004, a Sunday.

Sunshine Taxi on May 29, 2004, moot, the remaining portions of these motions remain viable and will be ruled upon after expiration of the applicable response period. *See* the following portions of Decision No. R04-0336-I: Footnote 3 at page 2; Section I, Paragraph 10 at page 4; Section II.A., Paragraph 4 at page 5; and Section II.A., Paragraph 7 at page 6.

II. ORDER

A. It Is Ordered That:

1. The time deadlines imposed upon the parties by Rule 71 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-71, for filing a list of witnesses and copies of exhibits are temporarily suspended pending the holding of a pre-hearing conference in this matter.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

