

Decision No. R13-0531-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 13A-0084BP

IN THE MATTER OF THE APPLICATION OF AMERICAN TRANSIT EXPRESS, LLC, FOR
A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING AND
PROCEDURAL DEADLINES**

Mailed Date: May 6, 2013

I. STATEMENT, FINDINGS AND CONCLUSIONS

1. On April 16, 2013, the ALJ issued Decision No. R13-0440-I scheduling a prehearing Conference for May 3, 2013. The Order also requires American Transit Express LLC (Applicant) to either have an attorney enter an appearance on its behalf by April 29, 2013, or by that same date, make a filing that shows cause why it may be represented by a non-attorney. Decision No. R13-0440-I. Applicant failed to do either.

2. Applicant appeared at the May 3, 2013 Prehearing Conference without counsel, through Fredrick Nnanna; Colorado Cab Company LLC and Colorado Springs Transportation, LLC (collectively Interveners), appeared through counsel.

3. Kids Wheels LLC did not appear at the hearing and did not otherwise show cause for its failure to appear.

4. At the Hearing, the Administrative Law Judge (ALJ) admonished Applicant for failing to comply with the ALJ's Order to have an attorney enter an appearance on its behalf, or to make a filing showing cause why it may be represented by a non-attorney by the April 29,

2013 deadline required by Decision No. R13-0440-I. Applicant acknowledged that he received Decision No. R13-0440-I, but indicated he did not understand the Order. However, Applicant made no filing in an attempt to comply with the Order or to otherwise inform the ALJ that he did not understand the Order. **Applicant was specifically advised that if he is unable to comply with an order because he cannot understand it, he must make a filing indicating this and that he cannot simply ignore the order.**

5. The ALJ explained the Order to Applicant, informed Applicant he must read the entire Order, and pointed Applicant to specific paragraphs of Decision No. R13-0440-I that are of special significance to the missed deadline. Applicant indicated he understood the Order in Decision No. R13-0440-I and that he would comply with it. **The ALJ extended Applicant's deadline to meet the requirements of Ordering Paragraphs 5 and 6 of Decision No. R13-0440-I to May 8, 2013 at 5:00 p.m. The ALJ advised Applicant that no further extensions would be granted and that if he failed to meet the deadline, his Application shall be dismissed. Applicant is again advised that failure to meet the May 8, 2013 deadline shall result in dismissal of the Application.**

6. The parties agreed to the following schedule, which the ALJ will Order. Applicant shall file and serve witness lists, exhibit lists and exhibits on or **by May 20, 2013**; Interveners shall file and serve witness lists, exhibit lists and exhibits on or **by May 23, 2013**. Witness lists shall include a brief description of the anticipated testimony of each witness. The hearing on the Application will be held on June 6, 2013 at 10:00 a.m.

7. The parties were advised and are advised again that they must serve all filings on all parties who have entered an appearance in this matter.

II. ORDER

A. It Is Ordered that:

1. **By 5:00 p.m. on May 8, 2013**, American Transit Express LLC (Applicant) shall either have its attorney file an entry of appearance, or shall make a filing showing cause why it is not required to be represented by an attorney in this matter. The show cause filing shall meet the requirements set out in ¶¶ 12, 23, 26 and 29 in Decision No. R13-0440-I.

2. **By 5:00 p.m. on May 20, 2013**, Applicant shall file and serve on all parties: its final witness lists, exhibit lists, and exhibits.

3. **By 5:00 p.m. on May 23, 2013**, Colorado Cab Company LLC and Colorado Springs Transportation, LLC shall file and serve on all parties: their final witness lists, exhibit lists and exhibits.

4. Witness lists shall include a brief description of the anticipated testimony of each witness.

5. A Hearing on the Application is scheduled in this matter as follows:

DATE: June 6, 2013
TIME: 10:00 a.m.
PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

6. The Parties shall be held to all advisements in this Order.

7. This Order 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