

Decision No. R13-1421-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13G-1098CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

SKY JOHANN WODRASKA, DOING BUSINESS AS, SKY TAXI LLC
AND/OR SKY TAXI LLC,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
REQUIRING STAFF TO MAKE
FILING REGARDING RESPONDENT
OR RESPONDENTS AND TO
MAKE FILING REGARDING
SERVICE OF CPAN NO. 107063**

Mailed Date: November 12, 2013

I. STATEMENT

1. As discussed below, Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 107063 (CPAN) names as respondent or respondents: (a) only Sky Johann Wodraska, in his official capacity as owner/operator of Sky Taxi LLC; (b) only Sky Johann Wodraska, doing business as Sky Taxi LLC; (c) only Sky Taxi LLC; (d) both Sky Taxi LLC and Sky Johann Wodraska, in his official capacity as owner/operator of Sky Taxi LLC; or (e) both Sky Taxi LLC and Sky Johann Wodraska, doing business as Sky Taxi LLC. The CPAN commenced this Proceeding.

2. On November 4, 2013, counsel for Trial Staff of the Commission (Staff) entered his appearance in this matter. In that filing and pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1007(a),¹ Staff counsel identified the trial Staff and the advisory Staff in this Proceeding.

3. On November 6, 2013, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

A. Required Staff Filings.

4. The CPAN identifies *two respondents*: “Sky Johann Wodraska, *in his official capacity as owner/Operator of Sky Taxi LLC, and/or Sky Taxi LLC*” (italics and bolding supplied). The caption of this Proceeding appears to name *one respondent*: “Sky Johann Wodraska, *doing business as, Sky Taxi LLC and/or Sky Taxi LLC*” (emphasis supplied).

5. Placing the CPAN language and the caption language next to one another makes it clear that the CPAN and the caption are not consistent: the CPAN names Mr. Wodraska in his capacity as owner/operator of Sky Taxi LLC while the caption names Mr. Wodraska, doing business as Sky Taxi LLC. In addition, both the CPAN and the caption use the “and/or” phrase, which makes it difficult -- if not impossible -- to identify the respondent or respondents in this Proceeding. Moreover, the punctuation in the caption suggests that there is one respondent in this Proceeding. Finally, assuming that Sky Taxi is, in fact, a limited liability company, the caption appears to name as a respondent an individual doing business as a limited liability company, which is a separate legal entity.

¹ That Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

6. To clarify the situation with respect to the respondent or respondents, the ALJ will order Staff to make, no later than **November 22, 2013**, a filing that: (a) states the number of respondents; (b) identifies each respondent; (c) states the capacity (if any) in which each respondent is named; and (d) if Staff names as a respondent Mr. Wodraska as an individual doing business as an LLC, the legal basis for doing so.

7. The Commission file in this matter contains the CPAN. The CPAN states: “The undersigned affirms that a copy of this [CPAN] was duly served upon the Respondent *by personal service*” on October 16, 2013. CPAN at 1 (emphasis supplied). The CPAN also contains the statement “I HEREBY ACKNOWLEDGE RECEIPT OF THIS NOTICE” and a line for respondent’s signature and a line for the date of service. *Id.* (capital letters in original).

8. As filed, the CPAN contains neither a signature nor a date on the lines for the respondent’s signature and the date of service. In addition, for the reasons discussed above, the ALJ cannot determine whether there are two respondents or one respondent. Finally, assuming that Sky Taxi LLC is a named respondent, assuming that Sky Taxi LLC is, in fact, a limited liability company, and assuming that someone accepted service of the CPAN on behalf of Sky Taxi LLC, there is no indication that the person who accepted service on behalf of Sky Taxi LLC is the authorized agent for service for Sky Taxi LLC.

9. To clarify the situation with respect to service of the CPAN, the ALJ will order Staff to file, no later than **November 22, 2013**, a copy of the CPAN signed by the individual who accepted service of the CPAN on October 16, 2013.

10. When Staff has made the required filings, the ALJ will issue one or more additional decisions.

B. Advisements.

11. **The Parties are advised, and are on notice, that** the ALJ requires each party to be familiar with, and to comply with, the Rules of Practice and Procedure, 4 CCR 723 Part 1. These Rules are available online at www.dora.colorado.gov/puc.

12. **The Parties are advised, and are on notice, that** a document is filed with the Commission on the date that the Commission *receives* the document. Thus, if a document is placed in the mail on the date on which the document is due to be filed, the document is *not* filed with the Commission in a timely manner.

13. **The Parties are advised, and are on notice, that** the Commission has an E-Filing System available. One may learn about, and -- if one chooses to do so -- may register to use, that system at www.dora.colorado.gov/puc.

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

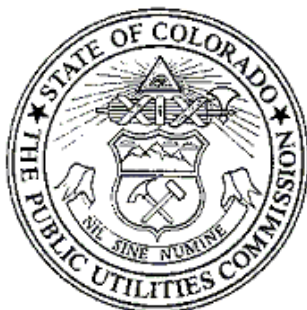
1. Consistent with the discussion above, no later than November 22, 2013, Staff of the Commission shall make a filing that complies with ¶ 6, above.

2. Consistent with the discussion above, no later than November 22, 2013, Staff of the Commission shall make a filing that complies with ¶ 9, above.

3. The Parties are held to the advisements contained in this Interim Decision.

4. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director