

Decision No. R14-0022-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13C-1384EC

IN THE MATTER OF ALLEGED VIOLATIONS OF COLORADO REVISED STATUTES
AND COMMISSION RULES RELATING TO THE NON-PAYMENT OF THE CIVIL
PENALTIES ASSESSED TO DENVER LINCOLN LIMOUSINE INC., OWNER OF LUXURY
LIMOUSINE REGISTRATION NO. LL-0139.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
REGARDING PARTIES' FILINGS**

Mailed Date: January 7, 2014

I. STATEMENT, FINDINGS AND CONCLUSIONS

1. This proceeding was instituted by a Complaint and Notice of Hearing (Complaint) issued by the Commission Director against Denver Lincoln Limousine Inc. (Respondent). Hearing Exhibit 1.

2. On December 13, 2013, the administrative law judge (ALJ) assigned to this proceeding held a hearing regarding the Complaint. Respondent and Commission prosecutorial Staff (Staff) appeared.

3. Hearing Exhibits 1, 4, 5, 6, 7, 8, 9, 10, 11, and 13 were identified, offered, and admitted into evidence during the hearing. Hearing Exhibits 2 and 3 were not identified, offered, or admitted into evidence. Hearing Exhibit 12 was identified and offered, but was not admitted into evidence.

4. On December 19, 2013, Respondent filed a "Motion to Admit Complainant's Exhibit #2 by Respondent" (Motion) in Proceeding No. 13G-0134EC. That proceeding is a

civil penalty complaint proceeding against Respondent, which, in part, forms the basis for the Complaint in this proceeding. Appendix A. At the time that Respondent filed the Motion, no proceeding number had been generated for this matter. The Motion seeks the admission of Exhibit 2 into evidence in this proceeding. As stated above, Exhibit 2 was not identified, offered, or admitted during the December 13, 2013 hearing. Given the nature of the Motion, the ALJ understands that Respondent intended to file the Motion in this proceeding.

5. On January 2, 2014, the Attorney General's Office, on behalf of Staff, hand-delivered a letter with attachments to the Commission for delivery to the ALJ. Appendix B. At this time, a proceeding number had been generated, but apparently, Staff was unaware of this fact. Based on the content of the letter and attachments, the ALJ will construe this letter as a Response to Respondent's Motion. The ALJ understands that Staff intended for this letter and attachments to be filed in this proceeding.

6. The ALJ will order that the Commission's administrative staff file both the Motion and the letter with attachments in this proceeding. The ALJ will allow the parties to object to this if they so desire.

7. The Staff's January 2, 2014 letter indicates that it was mailed to Respondent, but contains no certificate of service. To ensure that the record in this proceeding contains complete and accurate information regarding service of the letter, the ALJ will order Staff to file a certificate of service providing information as to how and when the letter and its attachments were served upon Respondent.¹

¹ The ALJ notes that with this Decision, the letter and attachments will again be served upon Respondent. Irrespective of that fact, the ALJ will order Commission prosecutorial Staff to file a certificate of service so that the record accurately reflects the original date of service of the letter and attachments.

8. Respondent is reminded that under the Rules of Practice and Procedure, it is not entitled to file a reply to Staff's January 2, 2014 letter. Rule 1400(e), Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

9. To be clear, by this Decision, the ALJ is not ruling on the merits of the referenced documents. Instead, the ALJ is simply ensuring the record is accurate. Doing this also ensures that the ALJ may rule upon the merits of the issues raised in the documents.

II. ORDER

A. **It Is Ordered That:**

1. The Commission's administrative staff shall file the "Motion to Admit Complainant's Exhibit #2 by Respondent" (Appendix A), in this proceeding. The filing shall reflect the original date it was submitted to the Commission, December 19, 2013.

2. The Commission's administrative staff shall file the January 2, 2014 letter with attachments, (Appendix B), in this proceeding. The filing shall reflect the original date it was submitted to the Commission, January 2, 2014.

3. Respondent Denver Lincoln Limousine, Inc. and Commission prosecutorial Staff may file an objection to this Decision on **or by 5:00 p.m. on January 14, 2014**. Any party that does not object to the Orders contained in this Decision is not required to comply with this Ordering paragraph.

4. Commission prosecutorial Staff shall submit a certificate of service reflecting the original service of its January 2, 2014 letter and attachments **on or by 5:00 p.m. on January 14, 2014**.

5. 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