

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1242BP-EXTENSION

IN THE MATTER OF THE APPLICATION OF GOLDEN GATE MANOR, INC., DOING BUSINESS AS GOLDEN GATE MANOR TRANSPORTATION, FOR AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9904.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
ADDRESSING INTERVENTION, DENYING
MOTION AS MOOT, SCHEDULING
EVIDENTIARY HEARING, ESTABLISHING
PROCEDURAL SCHEDULE, SHORTENING
RESPONSE TIME TO MOTIONS PERTAINING
TO DISCOVERY, AND CONTAINING ADVISEMENTS**

Mailed Date: February 3, 2014

I. STATEMENT

1. On November 21, 2013, Golden Gate Manor, Inc., filed an Application for New Permanent Authority to Operate as a Contract Carrier of Passengers by Motor Vehicle for Hire. That filing commenced this Proceeding.

2. On November 25, 2013, Golden Gate Manor, Inc., filed a supplement to the November 21, 2013 filing. In that filing, Golden Gate Manor, Inc., stated that the Applicant is Golden Gate Manor, Inc., doing business as Golden Gate Manor Transportation.

3. On November 25, 2013, Applicant filed an amendment to the authority requested in the November 21, 2013 filing.

4. Reference in this Interim Decision to the Application is to the November 21, 2013 filing as supplemented and amended on November 25, 2013.

5. On December 2, 2013, the Commission issued its Notice of Application Filed (Notice) in this Proceeding (Notice at 4-5). The Notice established an intervention period and contained a procedural schedule. On January 13, 2014, Decision No. R14-0035-I vacated that procedural schedule.

6. On December 10, 2013, City Cab Co. (CCC or Intervenor) filed its Entry of Appearance and Notice of Intervention and Initial List of Witnesses & Exhibits. On January 15, 2014, CCC filed an Amended Entry of Appearance and Notice of Intervention and Initial List of Witnesses & Exhibits. These filings establish that CCC is an intervenor as of right in, and is a party in, this Proceeding.¹ CCC opposes the Application.

7. The Parties in this Proceeding are Applicant and Intervenor. Each party is represented by legal counsel.

8. On January 8, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

9. On January 8, 2014, by Minute Order, the Commission deemed the Application complete as of that date. Pursuant to § 40-6-109.5, C.R.S., and absent an enlargement of time by the Commission or Applicant's waiver of the statutory provision, the Commission should issue its decision on the Application on or before August 6, 2014.

10. By Decision No. R14-0035-I, the ALJ amended the caption of this Proceeding. On January 15, 2014, Applicant filed a Motion to Amend Caption of Case. The ALJ will deny, as moot, the motion.²

¹ By electronic mail sent on January 31, 2014, the ALJ informed the Parties that CCC is an intervenor in this Proceeding.

² By electronic mail sent on January 31, 2014, the ALJ informed the Parties that the ALJ denied the motion as moot. This Interim Decision memorializes that ruling.

11. In the Application for New Permanent Authority to Operate as a Contract Carrier of Passengers by Motor Vehicle for Hire filed on November 21, 2013, Applicant requests that the evidentiary hearing in this matter be held in Pueblo, Colorado. The Parties are in Pueblo; the counsel for Applicant is in Pueblo; and the witnesses likely are in Pueblo. Consequently, the ALJ finds that the request is reasonable and should be granted. The ALJ will schedule the evidentiary hearing in Pueblo, Colorado as requested by Applicant.

12. On January 30, 2014 and pursuant to Decision No. R14-0035-I, a Stipulated Procedural Schedule was filed. The proposed procedural schedule meets the requirements set out in Decision No. R14-0035-I. As a result, the ALJ finds the proposed procedural schedule to be acceptable.

13. The ALJ will adopt the following procedural schedule,³ including hearing dates: (a) not later than **February 5, 2014**, Applicant will file its list of witnesses and complete copies of the exhibits it will offer in its direct case; (b) not later than **February 12, 2014**, Intervenor will file its list of witnesses and complete copies of the exhibits it will offer in its case; (c) not later than **February 21, 2014**, each party will file, if necessary, an updated and corrected list of witnesses and complete copies of updated or corrected exhibits; (d) not later than **March 14, 2014**, each party will file its prehearing motions, including motions *in limine* and dispositive motions;⁴ (e) not later than **noon on March 20, 2014**, the Parties will file any stipulation or settlement agreement reached; (f) the evidentiary hearing will be held in Pueblo, Colorado

³ By electronic mail sent on January 31, 2014, the ALJ informed the Parties that the ALJ adopted this procedural schedule. This Interim Decision memorializes that ruling.

⁴ As a preliminary matter on the first day of hearing, the ALJ will hear argument on pending prehearing motions.

on **March 25 and 26, 2014**; and (g) not later than **April 2, 2014**, each party will file its post-hearing statement of position, to which (unless otherwise ordered) no response will be permitted.

14. Each witness who will be called to testify (except a witness called in Applicant's rebuttal case) must be identified on the list of witnesses that ¶ 13 requires each party to file. The following information must be provided for each listed witness: (a) the name of the witness; (b) the address of the witness; (c) the business telephone number or daytime telephone number of the witness; and (d) a detailed summary of the testimony that the witness is expected to give.

15. **The Parties are advised, and are on notice, that** no person -- including any individual identified in the Application -- will be permitted to testify on behalf of a party (except in Applicant's rebuttal case) unless the person is identified on the list of witnesses filed in accordance with this Interim Decision.

16. Complete copies of all exhibits (except an exhibit offered in Applicant's rebuttal case or an exhibit to be used in cross-examination) will be filed as required in ¶ 13.

17. **The Parties are advised, and are on notice, that** no document -- including the Application and its attachments -- will be admitted into evidence (except in Applicant's rebuttal case or when used in cross-examination) unless that document is filed in accordance with this Interim Decision.

18. Rules 4 *Code of Colorado Regulations* (CCR) 723-1-1100 and 723-1-1101⁵ will govern the treatment of information claimed to be confidential.

19. Except as modified by this Interim Decision, Rule 4 CCR 723-1-1405 will govern discovery in this Proceeding.

⁵ These Rules are found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

20. Discovery requests served after 3:00 p.m. Mountain Time on a Friday will be deemed served on the next business day.

21. Unless otherwise ordered, responses to motions pertaining to discovery will be written and will be filed within *five business days of service of the motion*.⁶ If necessary, the ALJ will hold a hearing on a discovery-related motion as soon as practicable after the motion is filed.

22. **The Parties are advised, and are on notice, that** it is the responsibility of each party to have at the evidentiary hearing a sufficient number of copies (including one for the ALJ) of each document that it wishes to offer as an exhibit. The fact that exhibits are prefiled in accordance with this Interim Decision does *not* alter the requirement set out in this paragraph. **The Parties are advised, and are on notice that,** the Commission will *not* make copies of documents that are offered as exhibits.

II. ORDER

A. It Is Ordered That:

1. City Cab Co. is a party in this Proceeding.
2. The Motion to Amend Caption of Case, which motion was filed on January 15, 2014, is denied as moot.
3. The evidentiary hearing in this Proceeding shall be held on the following dates, at the following times, and in the following location:

DATES:	March 25 and 26, 2014
TIME:	9:00 a.m. each day
PLACE:	Pueblo County Combined Court, Division A 320 West Tenth Street Pueblo, Colorado

⁶ By this Interim Decision, the ALJ will shorten the response time to discovery-related motions.

4. The following procedural schedule is adopted: (a) not later than February 5, 2014, Applicant Golden Gate Manor, Inc., doing business as Golden Gate Manor Transportation, shall file its list of witnesses and complete copies of the exhibits it will offer in its direct case; (b) not later than February 12, 2014, Intervenor City Cab Co. shall file its list of witnesses and complete copies of the exhibits it will offer in its case; (c) not later than February 21, 2014, each party shall file, if necessary, an updated and corrected list of witnesses and complete copies of updated or corrected exhibits; (d) not later than March 14, 2014, each party shall file its prehearing motions; (e) not later than noon on March 20, 2014, the Parties shall file any stipulation or settlement agreement reached; and (f) not later than April 2, 2014, each party shall file its post-hearing statement of position, to which (absent further order) no response will be permitted.

5. No person shall be permitted to testify on behalf of a party (except in Applicant's rebuttal case) unless the person is identified on the list of witnesses that is filed in accordance with this Interim Decision.

6. No document shall be admitted into evidence (except in Applicant's rebuttal case or when used in cross-examination) unless that document is filed in accordance with this Interim Decision.

7. Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern the treatment of information claimed to be confidential.

8. Except as modified by this Interim Decision, Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery.

9. Discovery requests served after 3:00 p.m. on a Friday are deemed served on the next business day.

10. Unless ordered otherwise, written response to a motion pertaining to discovery shall be filed.

11. Response time to a motion pertaining to discovery is shortened to five business days from the date of service of the motion.

12. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

13. 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