

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1347CP

IN THE MATTER OF THE APPLICATION OF WESTERN SLOPE YELLOW CAB, LLC
DOING BUSINESS AS GRAND JUNCTION YELLOW CAB FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER
BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING, ESTABLISHING
DEADLINES, AND ACKNOWLEDGING
WAIVER OF STATUTORY DEADLINE**

Mailed Date: March 6, 2014

I. STATEMENT

1. On December 19, 2013, Western Slope Yellow Cab, LLC, doing business as Grand Junction Yellow Cab (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application).

2. The Commission gave public notice of the Application on December 30, 2013.

3. Tazco, Inc., doing business as Sunshine Taxi (Sunshine) and GISDHO Shuttle, Inc., doing business as American Spirit Shuttle (American Spirit) timely intervened of right.

4. On February 5, 2014, the Commission deemed the Application complete and referred the matter to an administrative law judge (ALJ) for disposition.

5. Pursuant to Decision No. R14-0166-I, the ALJ convened a prehearing conference. Applicant appeared through counsel, Mr. Igor Raykin; Sunshine appeared through counsel,

Mr. Charles Williams; and American Spirit appeared by telephone through its representative, Ms. Bonnie Richards. At the hearing, the parties agreed to and the ALJ approved a hearing date and the below procedural schedule.

6. At the prehearing conference, Applicant also waived the 210-day statutory deadline under § 40-6-109.5(2), C.R.S., for a Commission decision to issue.

7. In anticipation of the hearing, the parties are ordered to make disclosures of the witnesses and evidence they intend to present at the hearing in support of their position.

8. The parties are advised that they **must file and serve a** witness list even if the party intends to call only one witness to testify on its behalf.

9. Likewise, if a party intends to introduce only one document in support of its case, the party still **must file and serve** an exhibit list and the exhibit. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.

10. As referenced in this Decision, serving a party with any document (*e.g.*, witness and exhibit lists and exhibits) means that the party is required to give the document to the other parties to the proceeding. Service may be accomplished by United States Mail, or through the Commission's E-filing system, if the party being served is registered with the E-filing system.

11. **All parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* (CCR) 723-1, Part 1 and the Rules Regulating Transportation by Motor Vehicle found at 4 CCR 723-6, Part 6. The ALJ expects the parties to comply with the Rules of Practice and Procedure. Both sets of rules are available on the Commission's website at www.dora.colorado.gov/puc and in hard copy from the Commission.

12. **Non-attorneys will be held to the same standards as attorneys.**

13. All parties are advised that failure to make disclosures as required by this Decision may result in an order dismissing the Application without prejudice, an order preventing an intervener from participating in this proceeding, or an order preventing the party who violates this order from presenting witnesses and evidence at the evidentiary hearing.

II. ORDER

A. It Is Ordered That:

1. A hearing on the merits of the Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by Western Slope Yellow Cab, LLC, doing business as Grand Junction Yellow Cab (Applicant), is scheduled as follows:

DATES: July 29, 30, and 31, 2014
TIME: 9:30 a.m. each day
PLACE: Colorado Department of Transportation
222 South 6th Street, Room 317, First floor
Grand Junction, Colorado 81501

2. At the above date, time, and place you will be given the opportunity to be heard if you so desire.

3. Applicant's waiver of the 210-day statutory deadline under § 40-6-109.5(2), C.R.S., for a Commission decision to issue in this proceeding is hereby acknowledged.

4. The disclosure timeframes required by Rule 1405(k)(I) and (II), 4 *Code of Colorado Regulations* 723-1 are waived. A new disclosure schedule is set forth below.

5. Applicant shall file and serve exhibit and witness lists and exhibits on or by 5:00 p.m. MST on June 3, 2014. This shall include disclosure of expert witnesses, including expert reports.

6. Except for disclosure of expert witnesses, Tazco, Inc., doing business as Sunshine Taxi and GISDHO Shuttle, Inc., doing business as American Spirit Shuttle (collectively, Interveners), shall file and serve exhibit and witness lists and exhibits on or by 5:00 p.m. MST on June 24, 2014.

7. Interveners shall file and serve their expert disclosures, including expert reports, on or by 5:00 p.m. MST on July 1, 2014.

8. If the parties chose to file dispositive motions, they must file such a motion on or by 5:00 p.m. MST on July 2, 2014. The response time to dispositive motions is shortened; such responses must be filed by 5:00 p.m. MST on July 9, 2014.

9. If the parties chose to file a motion *in limine*, they must file such a motion on or by 5:00 p.m. on July 9, 2014. The response time to motions *in limine* is shortened; responses must be filed by 5:00 p.m. MST on July 16, 2014.

10. Witness lists shall include a description of the witnesses' anticipated testimony, the witnesses' name and title, (if any), and the witnesses' last known address and telephone number.

11. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, Exhibit 3). The parties shall work together to coordinate sequential numbering of exhibits (*e.g.*, Applicant may have exhibit numbers 1-100, while Interveners have exhibit numbers 100-300).

12. Exhibits shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing. The parties must have all their exhibits stamped and properly identified prior to the time the hearing is scheduled to begin.

13. At the hearing, the parties shall bring an original and three copies of each pre-marked exhibit they intend to introduce, along with a completed exhibit list in the format set forth in Appendix A to this Decision.

14. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number *each page* of the exhibit.

15. Failure to disclose witnesses as required by this Decision, except witnesses called in rebuttal, may result in an order prohibiting any undisclosed witnesses from testifying.

16. Failure to disclose exhibits as required by this Decision, except exhibits for rebuttal or impeachment, may result in an order rejecting the admission of undisclosed exhibits.

17. 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