

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
PERMITTING GISDHO SHUTTLE, INC., TO BE
REPRESENTED BY A NON-ATTORNEY**

Mailed Date: March 6, 2014

I. STATEMENT

1. On December 19, 2013, Western Slope Yellow Cab, LLC, doing business as Grand Junction Yellow Cab, 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) timely intervened of right on January 21, 2014.

4. GISDHO Shuttle, Inc., doing business as American Spirit Shuttle (American Spirit) filed an "Entry of Appearance and Notice of Intervention" on January 28, 2014.

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

6. Pursuant to Decision No. R14-0166-I, the ALJ convened a prehearing conference. Among other parties present, Ms. Bonnie Richards appeared on behalf of American Spirit. At

the hearing, the ALJ raised issues relating to American Spirit's representation. In particular, the ALJ informed American Spirit that its intervention failed to comply with Rule 1201(b)(II) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. That Rule requires that an unrepresented intervener establish *in its intervention* that it is entitled to be represented by a non-attorney in the proceeding. American Spirit's intervention fails to do this.

7. However, after the hearing, the ALJ discovered that American Spirit made a separate filing addressing the factors identified by Rule 1201(b)(II), 4 CCR 723-1, titled "Statement of Unrepresented Intervening Party" (Statement). The ALJ will not require American Spirit to duplicate the filing. However, American Spirit would be well advised to ensure that its future interventions include information addressing Rule 1201(b)(II), 4 CCR 723-1, rather than addressing the Rule in a separate filing.

8. The ALJ finds that American Spirit's Statement meets the requirements of Rule 1201(b)(II), 4 CCR 723-1 and §13-1-127, C.R.S. In particular, the ALJ finds that American Spirit's Statement provides satisfactory evidence that it is a closely held entity, because it has less than three owners. The ALJ finds that that American Spirit has provided a good-faith factual basis to conclude that the amount in controversy is less than \$15,000.¹ Based upon these showings, the ALJ concludes that American Spirit may be represented by a non-attorney in this proceeding. American Spirit has presented satisfactory evidence that Ms. Bonnie Richards is authorized to represent it in this proceeding and will order that Ms. Richards may represent American Spirit, *nunc pro tunc*, January 28, 2014.

¹ No dollar amount is alleged to be at issue in the Application. At the prehearing conference, Sunshine asserted its position that far more than \$15,000 is in controversy in this proceeding.

II. ORDER

A. It Is Ordered That:

1. GISDHO Shuttle, Inc., doing business as American Spirit Shuttle may be represented by a non-attorney, Ms. Bonnie Richards, in this proceeding, *nunc pro tunc*, January 28, 2014.

2. 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