

Decision No. R14-0402-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0138BP

IN THE MATTER OF THE APPLICATION OF AIMEE J ADJAI DOING BUSINESS AS CHRISTOPHER TRANSPORTATION & HOME CARES PROVIDER SERVICES FOR A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING AND
ESTABLISHING DEADLINES**

Mailed Date: April 15, 2014

I. STATEMENT

1. On February 13, 2014, Aimee J. Adjai, doing business as Christopher Transportation & Home Cares Provider Services (Applicant) filed an Application for a Permit to Operate as a Contract Carrier by Motor Vehicle for Hire (Application).

2. The Commission provided public notice of the Application on February 24, 2014.

3. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi, and Northwest Suburban Taxi (Metro), Colorado Cab Company LLC (Colorado Cab), and Colorado Springs Transportation LLC (Colorado Springs Transportation) timely intervened of right.

4. During the Commission's weekly meeting held April 2, 2014, the Commission deemed the Application complete and referred it to an administrative law judge (ALJ) for disposition.

5. In anticipation of the hearing on the Application, on April 3, 2014, the undersigned ALJ scheduled a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 for April 15, 2014. Decision No. R14-0354-I.

6. Applicant personally appeared at the prehearing conference; Mr. Mark Valentine appeared on behalf of Colorado Cab and Colorado Springs Transportation; Ms. Ceselie Garles appeared on behalf of Metro. At the prehearing conference, the parties agreed to, and the ALJ approved the below procedural schedule and hearing date.

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

8. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.

9. Witness lists shall include a description of the witnesses' testimony and the witnesses' last known address and telephone number. Witnesses are those persons who will testify under oath on behalf of a party.

10. Any party who intends to call only one of the following: its owner, operator, officer, member, partner, or manager, is not required to file a witness list.¹ However, any party wishing for any other person to testify on its behalf must file a complete witness list as required by this Decision.

11. Whether the parties are required to file a witness list as stated above *does not* impact the parties' responsibility to file and serve an exhibit list and exhibits.

¹ It is reasonable to presume that the parties will each call a single representative witness to testify regarding their position on the Application, *e.g.*, why the Application should or should not be granted.

12. 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.

13. As referenced in this Decision, filing a document means that the party must provide the document to the Commission and must include the proceeding number with that document.

14. **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, and the Rules Regulating Transportation by Motor Vehicle found at 4 CCR 723-6, which are available on the Commission's website at www.dora.colorado.gov/puc, and in hard copy from the Commission. This proceeding is also governed by the Colorado Rules of Evidence, which can be found at the following link, under the "Colorado Court Rules" tab: <http://www.lexisnexis.com/hottopics/colorado/>.

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

16. **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 of Aimee J. Adjai, doing business as Christopher Transportation & Home Cares Provider Services (Applicant) for a Permit to Operate as a Contract Carrier by Motor Vehicle for Hire is scheduled as follows:

DATE: May 27, 2014
TIME: 10:00 a.m.
PLACE: Colorado Public Utilities Commission
Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

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

3. 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.

4. Applicant shall file and serve exhibit and witness lists and exhibits on or by 5:00 p.m. MST on April 29, 2014.

5. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi, and Northwest Suburban Taxi, Colorado Cab Company LLC, and Colorado Springs Transportation LLC shall file and serve exhibit and witness lists and exhibits on or by 5:00 p.m. MST on May 13, 2014.

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

7. Any party who intends to call **only one** of the following: its owner, operator, officer, member, partner, or manager, is not required to file a witness list. However, any party wishing for any additional person to testify on its behalf must file a complete witness list as required by this Decision.

8. 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.

9. 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.

10. 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.

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

12. Except as stated above, failure to file and serve witness lists as required by this Decision, except witnesses called in rebuttal, may result in an order prohibiting any undisclosed witnesses from testifying.

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

14. 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