

Decision No. R14-0438-I

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
GRANTING JOINT MOTION; EXTENDING
TIME FOR COMMISSION DECISION PURSUANT
TO § 40-6-109.5(4), C.R.S.; SCHEDULING ADDITIONAL
HEARING DAYS; AND ESTABLISHING FILING DATES**

Mailed Date: April 28, 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. On January 13, 2014, Decision No. R14-0035-I amended the caption of this Proceeding to identify the Applicant as 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. Decision No. R14-0035-I vacated that procedural schedule.

6. On December 10, 2013, City Cab Co. (CCC or Intervenor) intervened as of right. 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).

A. Time for Commission Decision.

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 date by which the Commission should issue its decision on the Application was August 6, 2014.

10. On April 11, 2014, the Parties filed a Joint Motion to Extend the Time Within Which to Reset this Matter for Hearing or Resolution (Joint Motion). In that filing, the Parties state that neither has an objection to the Commission's enlarging the time within which the Commission should issue its Decision in this Proceeding.

11. The ALJ finds that the statement in the Joint Motion constitutes Applicant's waiver of a § 40-6-109.5(4), C.R.S., hearing. In addition, the ALJ finds that the circumstances of this Proceeding (discussed below) warrant an enlargement of time for an additional 90 days. The

ALJ will enlarge, to and including **November 4, 2014**, the time within which the Commission should issue its decision in this Proceeding.

B. Additional Hearing Days and Additional Filing Dates.

12. On February 3, 2014, by Decision No. R14-0125-I, the ALJ scheduled a March 25 and 26, 2014 evidentiary hearing in this Proceeding.

13. The ALJ called this matter for hearing as scheduled. Both Parties were present, were represented, and participated.

14. The hearing was scheduled for two days. At the conclusion of the second day of hearing, Applicant had not completed presentation of its direct case. The ALJ ordered the hearing to continue on March 27, 2014.

15. On March 27, 2014, the Parties informed the ALJ that they had begun settlement discussions. As a result, the Parties requested that the ALJ continue the hearing to a later date so that they could pursue the settlement discussion. The ALJ granted the request; ordered the Parties to file a settlement agreement, if one was reached, not later than April 11, 2014; and adjourned the evidentiary hearing pending further order.

16. On April 11, 2014, the Parties filed the Joint Motion. In that filing, the Parties state that the negotiations have proven to be complex; that the discussions are moving forward; and that, despite the Parties' best efforts, no agreement has been reached. As a result, and in the good faith belief that they will reach agreement, the Parties requested additional time within which to file the settlement agreement.

17. Complicating both the negotiations and the setting of additional hearing dates and filing dates is the fact that counsel for Intervenor has a lengthy trip out of the country scheduled. This trip has been planned for some time.

18. On April 15, 2014, counsel for both Parties and the ALJ spoke by telephone to discuss the number of hearing days that the Parties believe will be necessary if no agreement is reached; the possible hearing dates; and a date by which the Parties will file a settlement agreement, assuming one is reached. The Parties suggested, and the ALJ agreed to, the following dates: (a) not later than June 13, 2014, the Parties will file any stipulation or settlement agreement reached; and (b) the continuation of the evidentiary hearing will occur on July 14 through 18, 2014, in Pueblo, Colorado.

19. Based on the foregoing, the ALJ finds that no party will be prejudiced if the Joint Motion is granted. In addition, the ALJ finds that the Joint Motion states good cause. Finally, given the enlargement of time for Commission decision discussed above, the proposed dates allow sufficient time for a Commission decision in this matter to issue not later than November 4, 2014. The ALJ will grant the Joint Motion.

20. The ALJ will adopt the following hearing dates and the following filing dates, which contain some additions to the dates to which the Parties agreed: (a) not later than **June 13, 2014**, the Parties will file any stipulation or settlement agreement reached; (b) not later than **June 30, 2014**, each party shall file its prehearing motions;¹ (c) the continuation of the evidentiary hearing will be held in Pueblo, Colorado on **July 14 through 18, 2014**;² and (d) not later than **August 1, 2014**, each party will file its post-hearing statement of position to which (absent further order) no response will be permitted.³

¹ This is an additional filing date. As a preliminary matter on the first day of hearing, the ALJ will hear argument on any pending prehearing motion.

² If no stipulation or settlement agreement is filed, the ALJ will issue a subsequent Interim Decision that informs the Parties of the location for the continuation of the evidentiary hearing.

³ This is an additional filing date. It is consistent with the procedural schedule adopted in Decision No. R14-0125-I at ¶ 13 and Ordering Paragraph No. 4.

21. Except as modified by this Interim Decision, the provisions of Decisions No. R14-0035-I and No. R14-0125-I will remain in effect and will govern this Proceeding.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the Joint Motion to Extend the Time Within Which to Reset this Matter for Hearing is granted.

2. Consistent with the discussion above, and pursuant to § 40-6-109.5(4), C.R.S., the time within which the Commission should issue its decision in this Proceeding is enlarged to and including November 4, 2014.

3. The continuation of the evidentiary hearing in this Proceeding shall be held on July 14 through 18, 2014 in Pueblo, Colorado. The evidentiary hearing shall begin at 9:00 a.m. each day. By separate Interim Decision, if necessary, the Administrative Law Judge shall inform the Parties of the location for the evidentiary hearing.

4. Consistent with the discussion above, the following filing dates are adopted: (a) not later than June 13, 2014, the Parties shall file any stipulation or settlement reached; (b) not later than June 30, 2014, each party shall file its prehearing motions; and (c) not later than August 1, 2014, each party shall file its post-hearing statement of position to which (absent further order) no response shall be permitted.

5. Except as modified by this Interim Decision, the provisions of Decisions No. R14-0035-I and No. R14-0125-I shall remain in effect and shall govern this Proceeding.

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

7. 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