

Decision No. R14-0575-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-0359CP

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

STACEY JAENKE AND STACEY DVORAK DOING BUSINESS AS GREELEY TAXI,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING HEARING**

Mailed Date: May 29, 2014

I. STATEMENT

1. On April 18, 2014, the prosecutorial Staff for the Public Utilities Commission (Staff) filed a Civil Penalty Assessment Notice (CPAN) against the above-named Respondents Stacey Jaenke and Stacey Dvorak, doing business as Greeley Taxi. The CPAN alleges that the Respondents violated §§ 40-10.1-104 and 40-10.1-107(1), C.R.S., by operating or offering to operate as a motor carrier in intrastate commerce without authorization from the Commission, and for doing so without maintaining and filing with the Commission evidence of financial responsibility. The CPAN seeks the Commission assess a civil penalty of \$13,310 against both Respondents, as well as an order requiring Respondents to cease and desist continuing violations of the above-referenced Colorado statutes.

2. On May 14, 2014, the Commission referred this matter to an administrative law judge (ALJ) for disposition.

3. On May 21, 2014, counsel for Staff filed an Entry of Appearance and Notice Pursuant to Rule 1007(a).

4. The ALJ will hold an evidentiary hearing on the allegations of the CPAN. At the hearing, Staff will carry the burden to prove by a preponderance of the evidence that Respondents committed the violations charged in the CPAN. Respondents will have an opportunity to present evidence in their defense. This means that Respondents will be given an opportunity to question any witness who testifies on behalf of Staff and will be able to present witnesses and evidence (in the form of exhibits), in their defense.

5. Respondents may have counsel represent it in this proceeding. Respondents are responsible for hiring and paying for their attorney(s).

6. However, Respondents are on notice that if they choose to represent themselves, that non-attorneys will be held to the same standards as attorneys.

7. 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, the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and the Colorado Rules of Evidence. The ALJ expects the parties to comply with the Rules of Practice and Procedure and the Colorado Rules of Evidence.

8. A free copy of the Colorado Rules of Evidence may be found at the following link, under "Colorado Court Rules": www.lexisnexis.com/hottopics/colorado. The Rules of Practice and Procedure and the Rules Regulating Transportation by Motor Vehicle are available

on the Commission's website (www.dora.colorado.gov/puc) and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. A hearing this proceeding is scheduled as follows:

DATE: July 8, 2014

TIME: 10:00 a.m.

PLACE: 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. 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