

Decision No. R14-0837-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0327CP

IN THE MATTER OF THE APPLICATION OF PIKES PEAK SATCOM, INC., DOING BUSINESS AS NEW INTERCONTINENTAL EXPRESS 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 210-DAY STATUTORY DEADLINE**

Mailed Date: July 17, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Pikes Peak SATCOM, Inc., doing business as New Intercontinental Express (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission (Commission) on April 10, 2014. Applicant amended its Application on April 16, 2014, and again on May 13, 2014 (second amended Application).

2. The Commission gave public Notice of the second amended Application on May 19, 2014. The Notice required that any party desiring to intervene must file an appropriate pleading within 30 days of the date of the Notice. Thus, the intervention period expired on June 18, 2014.

3. City Cab Co. (City Cab), MT Acquisitions, LLC, doing business as Mountains Taxi, Banaadir Transportation Company (Banaadir), Estes Valley Transport, Inc., Colorado Springs Shuttle, LLC, Colorado Coach Transportation, LLC, Ramblin' Express Inc., Valera Lea Holtorf, doing business as Dashabout Shuttle Company and Roadrunner Express, Almaz Transportation, LLC (Almaz), MKBS, LLC, doing business as Metro Taxi, SuperShuttle International Denver, Inc., Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab, Boulder SuperShuttle, Colorado Springs Transportation, LLC, Mercy Medical Transportation Services, LLC, Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi, Magic Bus, LLC (Magic Bus), Home James Transportation Services, Ltd., Alpine Taxi/Limo, doing business as Alpine, and Go Alpine, AEX, doing business as Alpine Express, and Tazco, Inc., doing business as Sunshine Taxi filed timely interventions objecting to the second amended Application.

4. During the Commission's weekly meeting held June 25, 2014, the Commission deemed the Application complete and referred the proceeding to an administrative law judge (ALJ) for disposition.

5. In anticipation of the hearing on the second amended Application, 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 July 15, 2014 at 10:00 a.m. Decision No. R14-0724-I issued June 30, 2014.

6. At the date, time, and location designated, the ALJ convened the prehearing conference. Except for Magic Bus and City Cab, all parties appeared at the prehearing conference.¹

7. At the prehearing conference, the parties agreed to, and the ALJ approved hearing dates and a procedural schedule, which is set forth in the ordering paragraphs below.

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

9. In anticipation of the hearing, the parties must file and serve disclosures of the witnesses and evidence they intend to present at the hearing in support of their position as required by this Decision.

10. 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 found at 4 CCR 723-6, and applicable case law. The Commission rules 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/>.

11. All parties are advised that failure to make disclosures as required by this Decision may result in a decision dismissing the second amended Application without prejudice, a decision preventing the party who violates this Decision from presenting witnesses and

¹ Almaz and Banaadir are no longer parties, since their interventions were stricken and they were dismissed as parties on July 2, 2014. Decision No. R14-0746-I. Neither Almaz nor Banaadir appeared at the prehearing conference. The parties that did appear at the prehearing conference, did so through counsel.

evidence at the evidentiary hearing, or any such other relief as the ALJ deems appropriate under the circumstances.

II. ORDER

A. It Is Ordered That:

1. A hearing on the merits of the second amended Application of Pikes Peak SATCOM, Inc., doing business as New Intercontinental Express (Applicant), for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire is scheduled as follows:

DATES: November 13, 14, 17, 18, 19, 20, 21, and 24, 2014
TIMES: 9:15 a.m. every day, except, starting at 10:00 a.m. on November 19, 2014
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. 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 Rules 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 September 8, 2014.

6. City Cab Co. (City Cab) MT Acquisitions, LLC, doing business as Mountains Taxi (Mountains Taxi), Estes Valley Transport, Inc. (Estes Valley), Colorado Springs Shuttle, LLC (Colorado Springs Shuttle), Colorado Coach Transportation, LLC (Colorado Coach), Ramblin' Express Inc. (Ramblin'), Valera Lea Holtorf, doing business as Dashabout Shuttle Company and Roadrunner Express (Dashabout), MKBS, LLC, doing business as Metro Taxi (Metro), SuperShuttle International Denver, Inc. (SuperShuttle), Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab and Boulder SuperShuttle (Colorado Cab), Colorado Springs Transportation, LLC (Colorado Springs Transportation), Mercy Medical Transportation Services, LLC (Mercy Medical), Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (High Mountain Taxi), Magic Bus, LLC (Magic Bus), Home James Transportation Services, Ltd. (Home James), Alpine Taxi/Limo, doing business as Alpine and Go Alpine (Alpine), AEX, doing business as Alpine Express (AEX), and Tazco, Inc., doing business as Sunshine Taxi (Sunshine) shall file and serve exhibit and witness lists and exhibits on or by 5:00 p.m. MST on September 29, 2014.

7. 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.

8. All exhibits shall be identified by sequential numbers. The parties are assigned the following blocks of exhibit numbers:

- Applicant - Hearing Exhibits 1-100
- Metro - Hearing Exhibits 101-150
- SuperShuttle - Hearing Exhibits 151-200
- Colorado Cab - Hearing Exhibits 201-250
- Colorado Springs Transportation - Hearing Exhibits 251-300

- Mountains Taxi – Hearing Exhibits 301-350
- Estes Valley - Hearing Exhibits 351-400
- Colorado Springs Shuttle - Hearing Exhibits 401-450
- Colorado Coach - Hearing Exhibits 451-500
- Ramblin' - Hearing Exhibits 501-550
- Dashabout - Hearing Exhibits 551-600
- Mercy Medical - Hearing Exhibits 601-650
- High Mountain Taxi - Hearing Exhibits 651-700
- Home James – Hearing Exhibits 701-750
- Alpine - Hearing Exhibits 751-800
- AEX - Hearing Exhibits 801-850
- Sunshine - Hearing Exhibits 851-900
- Magic Bus - Hearing Exhibits 901-950
- City Cab - Hearing Exhibits 951-1000

9. Any party who needs more than the allotted number of exhibits may use the next unassigned block of exhibit numbers (*e.g.*, Hearing Exhibits 1001-1050). Any party requiring additional exhibit numbers shall notify all other parties of its intent to use the identified block of unassigned exhibit numbers. This process will ensure that all parties are immediately aware of the next unassigned block of exhibit numbers available for use.

10. Exhibits shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the first 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.

11. Any party wishing to file dispositive motions or motions *in limine* shall make such a filing on or by 5:00 p.m. on October 23, 2014.

12. Any party wishing to file post-hearing statements of position shall make such a filing on or by 5:00 p.m. on December 8, 2014.

13. The parties shall each deliver a single, paper copy of all of their pre-marked exhibits to the undersigned Administrative Law Judge at the Commission's offices, by 5:00 p.m. on November 5, 2014, along with a completed exhibit list in the format set forth in Appendix A to this Decision.

14. By 5:00 p.m. on November 5, 2014, the parties shall make a joint filing which identifies the order in which all witnesses will be called, and the estimated amount of time each party will use to examine witnesses. Applicant is ordered to coordinate this filing.

15. At the hearing, the parties shall bring an original and one copy 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. The parties shall ensure that the other parties to this proceeding have copies of their exhibits available for use during the hearing.

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

17. Failure to file and serve witness lists as required by this Decision without showing good cause, except witnesses called in rebuttal, may result in an order prohibiting any undisclosed witnesses from testifying.

18. Failure to file and serve exhibits as required by this Decision without showing good cause, except exhibits for rebuttal or impeachment, may result in an order rejecting the admission of undisclosed exhibits.

19. 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