

Decision No. R14-0998-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0545BP

IN THE MATTER OF THE APPLICATION OF MELAT TRANSPORTATION COMPANY
WHEELCHAIR ACC LLC 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: August 19, 2014

I. STATEMENT

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On May 27, 2014, Melat Transportation Company Wheelchair Acc LLC filed an Application for a Permit to Operate as a Contract Carrier by Motor Vehicle for Hire (Application).

3. The Commission provided public notice of the Application on June 16, 2014.

4. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi, and Northwest Suburban Taxi, City Cab Co., Shamrock Taxi of Fort Collins, and Colorado Cab Company LLC, doing business as Denver Yellow Cab filed timely interventions objecting to the Application.

5. Golden Gate Manor, Inc. (Golden Gate) also filed an intervention in this proceeding.

6. During the Commission's weekly meeting held July 23, 2014, the Commission deemed the Application complete and referred it to an administrative law judge (ALJ) for disposition.

7. On August 6, 2014, the ALJ issued a Decision striking Golden Gate's intervention and dismissing it as a party to this proceeding. Decision No. R14-0953-I. Thus, Golden Gate is not a party to this proceeding, and all references to the parties does not include Golden Gate.

8. In anticipation of the hearing on the Application, the undersigned ALJ scheduled a prehearing conference for August 18, 2014. Decision No. R14-0951-I issued August 6, 2014. All parties appeared at the prehearing conference. The parties agreed to and the ALJ approved the below procedural schedule and hearing dates.

9. In anticipation of the hearing, the parties are ordered to file and serve disclosures of the evidence they intend to present at the hearing in support of their position, which includes disclosure of all witnesses who will testify and all exhibits the party intends to present at the evidentiary hearing.

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

11. 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.

12. 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

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.

wishing for any other person to testify on its behalf must file a complete witness list as required by this Decision.

13. 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.

14. 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.

15. 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.

16. 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 the relevant statutory authority and case law. The referenced Commission rules are available at no charge 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, a free copy of which can be found at the following link, under the "Colorado Court Rules" tab: <http://www.lexisnexis.com/hottopics/colorado/>.

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

18. 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 Decision 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 Melat Transportation Company Wheelchair Acc LLC (Applicant) for a Permit to Operate as a Contract Carrier by Motor Vehicle for Hire is scheduled as follows:

DATES: November 25 and 26, 2014

TIMES: 9:15 a.m., except commencing at 10:00 a.m.
on November 26, 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. 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.

4. Applicant shall file and serve exhibit and witness lists and exhibits on or by 5:00 p.m. MST on October 21, 2014.

5. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi, and Northwest Suburban Taxi, City Cab Co., Shamrock Taxi of Fort Collins, and Colorado Cab Company LLC, doing business as Denver Yellow Cab 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 five 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