

Decision No. R14-1020-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14G-0373CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

COLORADO CAB COMPANY LLC,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
ADOPTING PREHEARING SCHEDULE;
SCHEDULING PREHEARING CONFERENCE; GRANTING
MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE; AND WAIVING RESPONSE TIME**

Mailed Date: August 22, 2014

I. STATEMENT

1. On April 24, 2014, the Public Utilities Commission's Staff (Staff) issued Civil Penalty Assessment Notice (CPAN), No. 109241 against Colorado Cab Company LLC (Colorado Cab or Respondent). The CPAN alleges over 700 violations against Colorado Cab.

2. On May 5, 2014, Respondent filed its Entry of Appearance, Request for a Hearing, and Request to Set Prehearing Conference.

3. On May 21, 2014, the Commission referred this matter to an administrative law judge (ALJ) for disposition.

4. On May 21, 2014, Staff filed its Entry of Appearance, Joinder in Request for a Prehearing Conference and Notice Pursuant to Rule 1007(A).

5. The procedural history of this proceeding is set out in previous Decisions and is repeated here as necessary to put this Decision in context.

6. By Decision No. R14-0772-I, issued July 8, 2014, a prehearing conference was scheduled for July 31, 2014.

7. By Decision No. R14-0934-I, issued August 4, 2014, an evidentiary hearing was scheduled in the above captioned proceeding. The parties were also ordered to file a proposed scheduling order by August 14, 2014.

8. On August 7, 2014, Colorado Cab filed its Motion to Dismiss Fraud Violations.

9. On August 14, 2014, the parties filed a proposed scheduling order.

10. On August 20, 2014, Staff filed its Unopposed Motion for Extension of Time to File Response to Colorado Cab LLC's Motion to Dismiss Fraud Violations (Unopposed Motion).

II. SCHEDULING ORDER

11. The parties filed their proposed scheduling order on August 14, 2014.

12. The proposed scheduling order is acceptable to the undersigned ALJ and shall be adopted.

13. The undersigned ALJ would again encourage both parties to pre-file as much testimony as possible in this proceeding.¹ While understanding that it may not be possible to pre-file all testimony, due to the number of alleged violations, the need for translators, and the

¹ The undersigned ALJ recognizes that this is not the usual procedure in transportation proceedings and some witnesses may have never pre-filed testimony before, but this is not a usual transportation proceeding. Pre-filing testimony is a common practice in other Commission proceedings and counsel should be familiar with this practice.

possible repetitive nature of testimony, pre-filed testimony will allow the proceeding to move smoothly and allow for well thought out cross-examination.

14. If either party determines that they will be unable to pre-file any testimony, they shall be ordered make a filing notifying the Commission by December 1, 2014. In the filing the party shall state the reasons that it cannot pre-file testimony. Upon such a filing, a hearing shall be scheduled.

15. Additionally, the undersigned ALJ believes a prehearing conference will be necessary to address prehearing motions and other procedural matters prior to the hearing scheduled to begin on February 17, 2015.

16. A prehearing conference shall be scheduled for February 5, 2015.

III. MOTION FOR EXTENSION OF TIME

17. On August 20, 2014, Staff filed its Unopposed Motion for. As grounds Staff states an attorney for Staff that is principally involved in preparation of Staff's response is currently out of the office. The Unopposed Motion requests an extension to file the response until August 26, 2014.

18. Colorado Cab does not object to the relief requested.

19. Good cause having been found the Unopposed Motion shall be granted. Response time to the Motion shall be waived.

IV. ORDER

A. It Is Ordered That:

1. The proposed scheduling order as stated in the parties' filing of August 14, 2014 is adopted.

2. If a party decides that it will not pre-file any testimony in the above captioned proceeding, they shall make a filing by December 1, 2014 informing the Commission of this decision. If such a filing is made it shall state the reasons that the party has decided not to pre-file any testimony. Upon such filing, a hearing shall be scheduled.

3. A prehearing conference is scheduled in this proceeding as follows:

DATE: February 5, 2015

TIME: 9:00 a.m.

PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

4. The Unopposed Motion for Extension of Time to File Response to Colorado Cab LLC's Motion to Dismiss Fraud Violations filed by the Public Utilities Commission's Staff (Staff) on August 20, 2014 is granted.

5. The deadline for Staff to file its response to Colorado Cab Company LLC's Motion to Dismiss Fraud Violations is extended, until the close of business on Tuesday August 26, 2014.

6. Response time to the Unopposed Motion for Extension of Time to File Response to Colorado Cab LLC's Motion to Dismiss Fraud Violations is waived.

7. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director