

Decision No. R14-1133-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
GRANTING MOTION TO REPLY**

Mailed Date: September 15, 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. On August 7, 2014, Colorado Cab filed its Motion to Dismiss Fraud Violations.

7. 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.

8. By Interim Decision No. R14-1020-I, issued August 22, 2014, the Motion for Extension of Time to File Response to Colorado Cab LLC's Motion to Dismiss Fraud Violations was granted and Staff was granted an extension until August 26, 2014.

9. On August 26, 2014, Staff filed its Response to Colorado Cab LLC's Motion to Dismiss Fraud Violations.

10. On August 28, 2014, Colorado Cab filed its Motion to Reply in Support in Support of its Motion to Dismiss Fraud Violations and Request to Shorten Response Time (Motion).

11. On September 9, 2014, Staff filed its Response to Colorado Cab Company LLC's Motion to reply in Support of its Motion to Dismiss Fraud Violations and Request to Shorten Response Time.

12. Under *Rule 1400(e) of the Rules of Practice and Procedure, 4 Code of Colorado Regulations (CCR) 723-1*:

- (e) A movant may not file a reply to a response unless the Commission orders otherwise. Any motion for leave to file a reply must demonstrate:
 - (I) a material misrepresentation of a fact;
 - (II) accident or surprise, which ordinary prudence could not have guarded against;

- (III) newly discovered facts or issues, material for the moving party which that party could not, with reasonable diligence, have discovered at the time the motion was filed; or
- (IV) an incorrect statement or error of law

13. Colorado Cab requests permission to file a Reply in Support of its Motion to Dismiss Fraud Violations citing subsections II, III and IV of *Rule* 1400(e), 4 *CCR* 723-1.

14. Staff argues that Colorado Cab has failed to meet the standards articulated in *Rule* 1400(e), 4 *CCR* 723-1.

15. The undersigned ALJ finds that Colorado Cab has presented sufficient grounds to allow a Reply in Support of its Motion to Dismiss Fraud Violations.

16. Good cause is found to grant the Motion.

II. ORDER

A. The Commission Orders That:

1. The Motion to Reply in Support in Support of its Motion to Dismiss Fraud Violations, filed by Colorado Cab Company LLC on August 28, 2014 is granted.

2. 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