

Decision No. R14-1204-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0946TR

IN THE MATTER OF ALLEGED VIOLATIONS OF COLORADO REVISED STATUTES AND COMMISSION RULES RELATING TO THE FILING OF ANNUAL REPORTS BY MOTOR VEHICLE CARRIERS HOLDING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OR A CONTRACT CARRIER PERMIT TO OPERATE IN THE STATE OF COLORADO.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
AMENDING DEADLINES**

Mailed Date: October 1, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On September 22, 2014, the Public Utilities Commission (Commission) mailed its “Formal Complaint and Notice of Hearing” (Complaint). Decision No. C14-1161. Consistent with the discussion in the Decision, the Complaint is issued to determine whether certain identified regulated interstate carriers failed to file an annual report for the calendar year ending December 31, 2013 in accordance with Rule 6212 of the Commission’s Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, and whether the Commission should take appropriate action, including a decision assessing a civil penalty and revoking the carrier’s authorities pursuant to Rule 6008, 4 CCR 723. Decision No. C14-1161.

2. The same Decision schedules a hearing in this proceeding for October 20, 2014 at 9:00 a.m., to be held in front of an administrative law judge (ALJ). *Id.*

3. The Commission also ordered Commission trial Staff (Staff) to file two copies of a witness list and all exhibits it intends to introduce at hearing at least 30 days prior to the hearing date. *Id.* All motor carriers listed as Respondents in Attachment A to the Complaint were ordered to file their witness list and copies of their exhibits at least 20 days prior to the hearing date.¹ *Id.*

4. The Commission's Decision warns that unless good cause is shown, failure to meet the above deadlines may result in dismissal of the proceeding or any defense to the proceeding. *Id.*

5. Given the October 20, 2014 hearing date, the Commission's decision requires Staff to file and serve its witness list and exhibits by September 20, 2014, and that Respondents file and serve their witness lists and exhibits by September 30, 2014. However, the Commission's decision setting these deadlines was not mailed until September 22, 2014, *after* Staff's deadline had already expired.

6. On September 30, 2014, Staff filed a "Motion to File Out of Time Staff's Exhibit and Witness Lists for Hearing" (Motion). Contemporaneously with the Motion, Staff filed and served its witness list and exhibits. Staff seeks a decision extending the deadline to file and serve its witness list and exhibits, and asks that the response time to the Motion be waived. The Motion also states that Staff would not oppose an extension of time for Respondents to file and serve their disclosures.

7. The ALJ finds that no prejudice would result by waiving the response time, and that instead, all parties will benefit from the issuance of a decision on the Motion as soon as

¹ Reference to Respondents is a referenced to all motor carriers identified as Respondents in Attachment A to the Complaint in this proceeding.

possible. Thus, the ALJ finds good cause, and will waive the response time to the Motion, as permitted by Rule 1400(b), of the Rules of Practice and Procedure, 4 CCR 723-1

8. The ALJ finds that Staff has shown good cause for an extension of time to file and serve its witness list and exhibits. The ALJ shall grant Staff an extension to September 30, 2014, as Staff filed and served its disclosures on that date.

9. Under the circumstances, the ALJ finds good cause to extend Respondents' deadline to file and serve their witness lists and exhibits. The ALJ shall extend Respondents' deadline to 5:00 p.m. on October 10, 2014.

II. ORDER

A. It Is Ordered That:

1. The response time to the "Motion to File Out of Time Staff's Exhibit and Witness Lists for Hearing" (Motion) is waived.

2. Commission trial Staff's (Staff) Motion is granted. Staff's deadline to file and serve its witness list and exhibits is extended to September 30, 2014. Staff's witness list and exhibits filed and served on September 30, 2014 are accepted as timely.

3. The deadline for all Respondents to this proceeding (Respondents listed in Attachment A to the Complaint), to file and serve their witness lists and exhibits is extended to 5:00 p.m. MST on October 10, 2014.

4. 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