

Decision No. R14-1364

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0608CP

DURANGO TAXI LLC,

COMPLAINANT,

V.

ANIMAS TRANSPORTATION AND DONALD TUNICK,

RESPONDENTS.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ACKNOWLEDGING WITHDRAWAL OF
COMPLAINT AND CLOSING PROCEEDING**

Mailed Date: November 13, 2014

I. STATEMENT, FINDINGS, DISCUSSION, AND CONCLUSIONS

1. On June 4, 2014, Durango Taxi LLC (Complainant), filed a Formal Complaint (Complaint) with the Commission against Animas Transportation and Donald Tunick (Respondents).

2. During its weekly meeting held June 11, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

3. Respondents filed a Motion to Dismiss on July 1, 2014, to which Complainant responded. The Motion to Dismiss was denied on August 15, 2014. Decision No. R14-0993-I.

4. After holding a prehearing conference, the ALJ established a procedural schedule and scheduled a hearing to take place on January 7 and 8, 2015.¹ *Id.*

5. On November 10, 2014, Complainant filed a “Withdrawal of Complaint” (Withdrawal). The Withdrawal states that Complainant is satisfied that the business practices that formed the basis of the Complaint have been substantially rectified such that it is not necessary to pursue the Complaint at this time. Complainant withdraws its Complaint.

6. In light of the nature of the Withdrawal, the ALJ will *sua sponte* waive the response time to it, pursuant to the authority provided by Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

7. Complainant may withdraw its Complaint without leave. *See* Rule 1309(d), 4 CCR 723-1. This Complaint will be withdrawn and the proceeding will be closed.

8. In accordance with § 40-6-109, C.R.S., the ALJ now transmits the record in this proceeding along with this written recommended decision. The ALJ recommends the Commission enter the following order.

II. **ORDER**

A. **It Is Ordered That:**

1. The Complaint filed by Durango Taxi LLC is withdrawn pursuant to its “Withdrawal of Complaint” filed on November 10, 2014.

2. The hearing scheduled for January 7 and 8, 2015 is vacated.

3. Proceeding No. 14F-608CP is closed.

¹ The same Decision vacated the August 24, 2014 evidentiary hearing.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(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