

Decision No. R04-0315-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03R-554TR

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IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, AS FOUND IN 4 CCR 723-6, 9, 15, 23, 31, 33, AND 35.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
SETTING ADDITIONAL HEARING DATES  
AND ESTABLISHING PROCEDURES**

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Mailed Date: March 26, 2004

**I. STATEMENT**

1. The captioned rulemaking proceeding was commenced on January 15, 2004, when the Colorado Public Utilities Commission issued its Notice of Proposed Rulemaking (NOPR). *See*, Decision No. C03-1454. The NOPR set this matter for hearing on March 22 and 23, 2004.

2. On March 9, 2004, procedures were adopted that allowed for the bifurcation of this proceeding. *See*, Decision No. R04-0239-I. Those procedures contemplated that the March 22 and 23, 2004, hearing dates would be used by the Staff of the Commission (Staff) for the purpose of summarizing the proposed rule changes and responding to participant questions concerning the same. They also contemplated that a subsequent written comment filing deadline and additional hearing dates would be established so participants could, among other things, incorporate Staff's summary into their comments. Notwithstanding the above, it was recognized

that participants who did not wish to participate in this bifurcated procedure would be given an opportunity to submit their comments on the hearing dates established by the NOPR.

3. The undersigned administrative law judge (ALJ) called the matter for hearing at the assigned times and place. Appearances were entered by or on behalf of the following participants: Staff; Harvey V. Mabis; Metro Taxi, Inc.; Yellow Transportation, LLC; RDSM Transportation, doing business as Yellow Cab Company of Colorado Springs and Greater Colorado Springs Transportation Company; San Miguel Mountain Ventures, LLC, doing business as Telluride Express (Telluride Express); Alpine Express, Inc. (Alpine Express); Alpine Taxi/Limo, Inc. (Alpine Taxi); Rocky Mountain Repossessors Association; Recovery One; John F. Hafer, doing business as A Custom Coach (Custom Coach); Denver Lincoln Limousine, Inc. (Denver Lincoln Limousine); Colorado Corporate Coach, Inc. (Colorado Corporate Coach); and Pratt Adjustment Bureau.

4. During the course of the March 22 and 23, 2004, hearings Exhibits 1 through 4 were identified and marked for identification purposes.<sup>1</sup> Staff presented its summary of the proposed rules and all participants were afforded an opportunity to question Staff concerning the same. Oral comments were submitted by Telluride Express, Alpine Express, Alpine Taxi, Rocky Mountain Repossessors Association, Recovery One, Custom Coach, Denver Lincoln Limousine, Colorado Corporate Coach, and Pratt Adjustment Bureau.

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<sup>1</sup> Exhibit 1 is a table cross-referencing the proposed rules with existing rules; Exhibit 2 is a copy of the proposed rules reflecting additional changes proposed by Staff subsequent to issuance of the NOPR; Exhibit 3 is a compilation of additional rule changes proposed by Staff that modify those reflected in Exhibit 2; and Exhibit 4 is a written summary of the oral comments submitted by or on behalf of Denver Lincoln Limousine, Custom Coach, and Colorado Corporate Coach.

5. At the conclusion of the hearings, the participants discussed with the ALJ their availability for additional hearing dates and the advisability of establishing additional filing deadlines. As a result of those discussions it was determined that the procedural schedule set forth in the Order that follows shall govern the remainder of this proceeding.

## II. ORDER

### A. **It Is Ordered That:**

1. Additional hearing dates are scheduled in this matter as follows:

DATES: September 13 and 14, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room  
1580 Logan Street, OL2  
Denver, Colorado

2. The Staff of the Commission shall file and serve all filing parties and interested persons a copy of any additional modifications it proposes to the rules that are the subject of this proceeding on or before July 30, 2004.<sup>2</sup>

3. All filing parties and interested persons shall file and serve all other filing parties and interested persons a copy of any written comments or written supplemental comments on or before August 20, 2004.<sup>3</sup> If possible, such comments should be filed with the Commission in both written and electronic format.

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<sup>2</sup> A revised service list showing all current filing parties and interested persons is attached to this Order.

<sup>3</sup> Although oral comments will be allowed at the supplemental hearings scheduled by this Order, written comments provide a more effective, persuasive, and efficient statement of a participant's position. Therefore, all participants are encouraged to submit their comments in writing, even those participants who presented oral comments at the March 22 and 23, 2004, hearings.

4. All filing parties and interested persons shall file and serve all other filing parties and interested parties a copy of any written reply comments on or before September 3, 2004. If possible, such comments should be filed with the Commission in both written and electronic format.

5. This Order shall be effective immediately.

(SEAL)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DALE E. ISLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Bruce N. Smith".

Bruce N. Smith  
Director

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NUMBER(s): 03R-554TR

DECISION NUMBER: R04-0315-I

I, Bruce N. Smith, Director of the Public Utilities Commission of the State of Colorado, certify, that on the date indicated on this certificate, at Denver, Colorado, I served a true and correct copy of the attached Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination to the following:

**Filing Parties**

**Not Assigned**

Alpine Express Inc  
Michael Potoker, President  
P.O. Box 1250  
Gunnison, CO 81230

**Not Assigned**

Alpine Taxi/Limo Inc  
Marty Waldren, President  
P.O. Box 775066  
Steamboat Springs, CO 80477

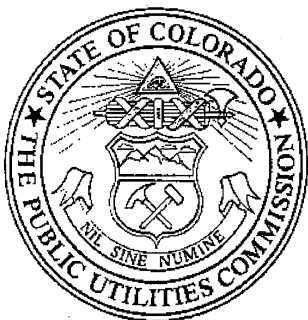
**Not Assigned**

Colorado Corporate Coach Inc  
Michael K. Geissler, President  
4740 Pierce Street  
Wheatridge, CO 80033

**Not Assigned**

Denver Lincoln Limousine Inc  
Arnold C. Poppenberg, President  
4660 South Yosemite Street #9133  
Greenwood Village, CO 80111-1227

WITNESS MY HAND  
AND THE SEAL OF THE  
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



*Bruce N. Smith*

\_\_\_\_\_  
DIRECTOR

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Not Assigned

Eddie's Leaf Spring Shop & Towing LLC  
3020 East Mulberry  
Fort Collins, CO 80524

Not Assigned

Metro Taxi Inc  
P.O. Box 5028  
Denver, CO 80217-5028

Not Assigned

Pratt Adjustment Bureau  
Jeanne Lewis  
6810 Downing Street  
Denver, CO 80229

Not Assigned

Rocky Mountain Repossessors Association  
Brad Statler, Director  
P.O. Box 17583  
Denver, CO 80217

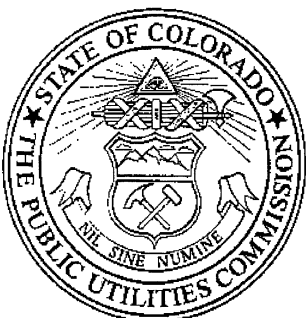
Not Assigned

Telluride Express  
1825 Launa Drive  
Montrose, CO 81401

Not Assigned

Yellow Cab Company of Colorado Springs &/or Greater  
Colorado  
4625 Town Center Drive  
Colorado Springs, CO 80916

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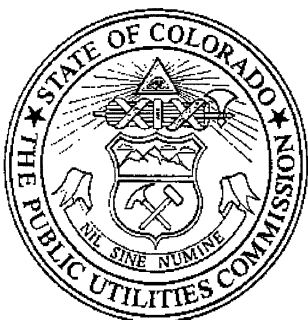
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Intervenor

Yellow Transportation, LLC  
7500 East 41st Avenue  
Denver, CO 80216

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A handwritten signature in cursive script, appearing to read "Bruce N. Smith".

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DIRECTOR

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**Filing Party Representatives**

**Legal Representative**

Representing: Metro Taxi Inc  
Mr. Charles M. Williams Esq  
Charles M. Williams PC  
303 East 17 Avenue Suite 888  
Denver, CO 80203

**Legal Representative**

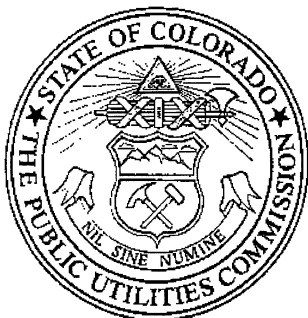
Representing: Yellow Transportation, LLC  
Mr. Richard L. Fanyo Esq  
Dufford & Brown PC  
1700 Broadway Suite 1700  
Denver, CO 80290-1701

**Representative for a party in this docket**

Representing: Telluride Express  
Mr. Sid Brotman  
P.O. Box 2965  
Montrose, CO 81425

**Representative for a party in this docket**

Representing: Yellow Cab Company of Colorado Springs &/or  
Greater Colorado  
Mr. Duane H. Kamins Esq.  
Kamins Investment Group  
1415 North Loop West Suite 1201  
Houston, TX 77008



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**Interested Persons / Firms / Utilitie**

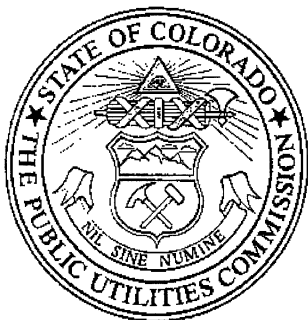
Colorado Counties Inc  
1700 Broadway Suite 1510  
Denver, CO 80290-1501

Miller's Motors  
14553-73 West Highway 50  
Rocky Ford, CO 81067

Mr. Bill Schroer  
5595 South Zang Street  
Littleton, CO 80127-2118

Mr. Charles J. Kimball Esq  
Kimball & Nespor P C  
5400 Ward Road Suite 150  
Arvada, CO 80002-1819

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Mr. Dino Ioannides  
Colorado Public Utilities Commission  
1580 Logan Street Room 201  
Denver, CO 80203

Mr. Harvey V. Mabis  
3020 East Mulberry  
Fort Collins, CO 80524

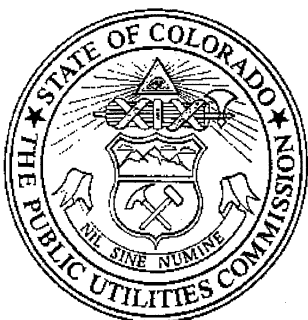
Mr. Harvey V. Mabis  
P.O. Box 1614  
Fort Collins, CO 80522

Mr. Jack Kennedy  
Regional Transportation District  
1600 Blake Street  
Denver, CO 80203

Mr. Mark W. Williams Esq  
Cage, Williams, Abelman & Layden, P.C.  
1433 17th Street Suite 300  
Denver, CO 80202

Mr. Rob MacDonald  
Pikes Peak Council of Governments  
15 South 7 Street  
Colorado Springs, CO 80905

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Ms. Jeanne Erickson  
Colorado Association of Transit Agencies  
225 East 16th Avenue Suite 475  
Denver, CO 80203-1691

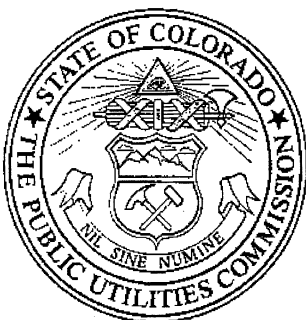
Ms. Teresa Carrillo  
Department of Transportation  
Commercial Vehicle Operations Manager  
4201 East Arkansas Avenue Suite 290  
Denver, CO 80222

Thompson & Thompson Inc  
30851 County Rd 2W  
Hugo, CO 80821

Routing transportation:  
6, 60, file, imaging, BB, ALJ

NOTE: All PUC staff, including staff who may be listed as parties, received this decision electronically.

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