

Decision No. R23-0049-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22F-0337EC

ESTES PARK CHARTERS CORP. DOING BUSINESS AS ESTES PARK SHUTTLE AND
FUN TYME TROLLEYS, LLC, DOING BUSINESS AS ESTES PARK TROLLEYS,

COMPLAINANT,

V.

GREEN JEEP TOURS LLC,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING UNOPPOSED MOTION TO VACATE
HEARING, DENYING-AS-MOOT MOTION FOR
SUMMARY JUDGMENT, AND VACATING AND
RESETTING HEARING**

Mailed Date: January 23, 2023

I. STATEMENT

A. Relevant Background

1. On July 26, 2022, Estes Park Charters Corp. doing business as Estes Park Shuttle and Fun Tyme Trolleys, LLC, doing business as Estes Park Trolleys (Estes Park Shuttle and Trolleys) filed a Formal Complaint (Complaint) against Green Jeep Tours, LLC (Green Jeep).

2. On August 1, 2022, the Commission scheduled the Complaint for an evidentiary hearing to be held on October 4, 2022 starting at 9:00 a.m. On the same date, the Commission

served the Complaint on Green Jeep, and filed and served an Order Setting Hearing and Notice of Hearing, an Order to Answer or Satisfy, and other documents on the parties.

3. On August 10, 2022, the Commission referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

4. On August 22, 2022, Green Jeep filed a Motion to Dismiss.

5. On September 2, 2022, Estes Park Shuttle and Trolleys filed a Response to the Motion to Dismiss.

6. On September 16, 2022, the ALJ issued Decision No. R22-0550-I that denied the Motion to Dismiss, scheduled a remote prehearing conference for September 28, 2022, ordered the parties to confer regarding a schedule for the proceeding, and ordered Estes Park Shuttles and Trolleys to file a report of the conferral by 12:00 p.m. on September 28, 2022.

7. The remote prehearing conference took place on September 28, 2022.

8. On September 30, 2022, Green Jeep filed its Answer to the Formal Complaint and Counterclaims.

9. On October 5, 2022, the ALJ issued Decision No. R22-0597-I that vacated and reset the hearing to January 26, 2023 at 9:00 a.m.

10. On November 30, 2022, Green Jeep filed a Motion for Summary Judgment on its counterclaims.

11. On December 14, 2022, Estes Park Shuttle and Trolleys filed an Answer to Counterclaims and Response to Motion for Summary Judgment (Motion for Summary Judgment).

12. On January 13, 2023, Estes Park Shuttle and Trolleys filed an Unopposed Motion to Vacate Procedural Schedule and Reschedule Hearing (Unopposed Motion to Vacate).

B. Unopposed Motion to Vacate

13. Estes Park Shuttle and Trolleys states that the parties have reached a settlement in this proceeding and in the parallel proceedings 22A-0215CP and 22A-0310CP, which have been consolidated (Consolidated Proceeding). The parties filed the settlement agreement in the Consolidated Proceeding and are awaiting a decision in that proceeding concerning the settlement agreement. If it is approved in the Consolidated Proceeding, the dispute in this proceeding will be settled as well. Estes Park Shuttle and Trolleys thus requests the ALJ to vacate the hearing in this proceeding currently scheduled for January 26, 2023 and reset it to either April 27 or 28, 2023.

14. Estes Park Shuttle and Trolleys has stated good cause to grant the Unopposed Motion to Vacate. Accordingly, the Unopposed Motion to Vacate will be granted and the hearing will be vacated and reset to April 27, 2023.

C. Motion for Summary Judgment

15. Based on the foregoing, the Motion for Summary Judgment will be denied-as-moot.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion to Vacate Procedural Schedule and Reschedule Hearing filed on January 13, 2023 by Estes Park Charters Corp. doing business as Estes Park Shuttle and Fun Tyme Trolleys, LLC, doing business as Estes Park Trolleys is granted.

2. The Motion for Summary Judgment filed on November 30, 2022 by Green Jeep Tours, LLC is denied-as-moot.

3. The hearing scheduled for January 26, 2023 is vacated and reset as follows:

DATE: April 27, 2023

TIME: 9:00 a.m. to 5:00 p.m.

WEBCAST: Hearing Room A

METHOD: In-person

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES
COMMISSION
OF THE STATE OF COLORADO

CONOR FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in black ink, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director