

Decision No. R23-0536-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0311CP

TIPSY VELO LLC DOING BUSINESS AS TIPSY VOYAGE,
COMPLAINANT,

V.

ABSOLUTE PRESTIGE LIMOUSINE II LLC, AND SHIRLEEN HUTTON,
RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
VACATING AND RESCHEDULING HEARING**

Mailed Date: August 11, 2023

I. STATEMENT

1. On June 8, 2023, Complainant Topsy Velo, LLC doing business as Topsy Voyage (Complainant or Topsy Voyage) filed a Formal Complaint (Complaint) against Absolute Prestige Limousine II, LLC, and Shirleen Hutton (collectively, Absolute Prestige Limousine or Respondent). The Complaint alleges that Respondent has performed no transportation services under its CPCN No. 55925 during the calendar year 2022; that Respondent's certificate is dormant if not abandoned; that any operations that may have been conducted in 2023 constitute a reactivation of dormant or abandoned authority without a showing of public need for such reactivation; that Respondent's Original Title Page of Passenger Tariff, Colorado PUC No. 1, Absolute Prestige Limousine, effective August 3, 2018, is illegal and discriminatory; that the acts of Respondent have and continue to cause damage to Complainant and the public; and unless

restrained immediately by the Commission, Respondent will cause irreparable destructive injury to the public and irreparable destructive competitive injury to Complainant in violation of the protection entitled to Complainant by the Doctrine of Regulated Monopoly.¹ The Complaint further alleges Respondent is in violation of 4 CCR 723-6-6205, 4 CCR 723-6-6005, 4 CCR 723-5-6016(d), 4 CCR 723-6-6202, 4 CCR 723-6-6205, 4 CCR 723-6-6201, 4 CCR 723-6-6202, 4 CCR 723-6-6205, and 4 CCR 723-6-6208.²

2. On June 12, 2023, the Commission issued its Order Setting Hearing and Notice of Hearing (Notice), which set this matter for hearing on August 21, 2023 at 9:00 a.m., before an Administrative Law Judge (ALJ). The Notice also stated that the ALJ would establish the place and manner in which the hearing would be held.

3. On June 21, 2023, the Commission referred this proceeding to an ALJ by minute entry.

4. By Decision No. R23-0511-I, issued August 2, 2023, procedures were adopted to govern this proceeding.

5. On August 9, 2023, the Unopposed Motion to Vacate and Reschedule Hearing and Waive Response Time was filed by Complainant. Complainant's counsel must prepare for another, unrelated matter and is unable to be ready for both matters by the current hearing date scheduled in this proceeding. It is requested that the hearing be rescheduled to a date between October 2 and October 10, 2023.

¹ Complaint at 2-8.

² *Id.*

6. Counsel for Complainant conferred with Respondent who does not oppose continuing the hearing.

7. Based upon good cause shown for the unopposed request, response time will be waived, and the request will be granted.

II. ORDER

A. It Is Ordered That:

1. Response time to the Unopposed Motion to Vacate and Reschedule Hearing and Waive Response Time filed by Topsy Velo, LLC doing business as Topsy Voyage on August 9, 2023, is waived and the motion is granted.

2. The hearing currently scheduled to commence in this Proceeding on August 21, 2023, is vacated.

3. A hearing in this matter shall be conducted at the following date, time, and place:

DATE: October 3, 2023

TIME: 10:00 a.m.

METHOD: Remotely, by videoconference using Zoom at the link to be provided to counsel and parties via email prior to the hearing.

4. This Decision shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge