

Decision No. R24-0442-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24F-0073CP

GREEN JEEP TOURS LLC,

COMPLAINANT,

V.

PURPLE MOUNTAIN TOUR COMPANY LLC AND ZACHARY BUGG AND BROOKE
LYNN CARSWELL,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
DENYING REQUEST TO WAIVE RESPONSE TIME AND
SHORTENING RESPONSE TIME**

Mailed Date: June 24, 2024

I. STATEMENT AND PROCEDURAL HISTORY

1. On February 12, 2024, Green Jeep Tours LLC (Complainant or Green Jeep) commenced this Proceeding by filing a Formal Complaint against Purple Mountain Tour Company LLC (Purple Mountain); Zachary Bugg, Lay Representative of Purple Mountain; and Brooke Lynn Carswell, Managing Director of Purple Mountain (collectively, Respondents), alleging that Respondents have “offered to sell and ha[ve] sold individual tickets” for transportation services without the proper certificate of public convenience and necessity in violation of Rule 6016 of the Commission’s Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 and requests relief.

2. By Decision No. R24-0246-I, issued April 18, 2024, the undersigned ALJ scheduled an in-person evidentiary hearing to be held Thursday, June 27, 2024, in Estes Park, Colorado. Decision No. R24-0246-I also established a procedural schedule to govern this Proceeding.

3. Under that schedule, Complainant was to file its initial witness and exhibit list (along with any exhibits), by May 31, 2024, and any supplemental witness and exhibit list by June 21, 2024. Respondents' exhibits and witness and exhibit list were due June 14, 2024. Neither party filed exhibits or lists by the above deadlines.

4. Instead, the parties have been engaged in discovery disputes that culminated in Respondents' Motion for Protective Order and Complainant's responsive Motion to Strike the latter. By Decision No. R24-0371-I, issued May 31, 2024, the ALJ partially granted Respondents' Motion for Protective Order, denied Complainant's Motion to Strike and request for attorney fees, and ordered Respondents to respond to the outstanding discovery requests within two weeks of Decision No. R24-0371-I, or on or before June 14, 2024.

5. Late in the afternoon of June 21, 2024, Complainant filed a Motion to Vacate and Reschedule Hearing to Re-Set Pre-Hearing Deadlines Including Complainant's Witness List and Exhibits and to Waive Response Time (Motion to Vacate). Complainant asserts that although Respondents have filed responses to the outstanding discovery requests as required by Decision No. R24-0371-I, those responses are incomplete. Complainant also represents that Respondents oppose the Motion to Vacate.

6. Complainant requests that response time to the Motion to Vacate be waived. However, given that Respondents oppose the Motion to Vacate, waiving Respondents' opportunity to respond would be improper.

7. Nonetheless, because the hearing is currently set to commence in three days' time in Estes Park, the undersigned ALJ finds and concludes that shortening the response time to the Motion to Vacate is appropriate pursuant to Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

8. The ALJ will therefore shorten response time to the Motion to Vacate to the close of business on the day following the issuance of this Decision.

II. ORDER

A. It Is Ordered That:

1. Response time to Complainant's Motion to Vacate and Reschedule Hearing to Re-Set Pre-Hearing Deadlines Including Complainant's Witness List and Exhibits and to Waive Response Time (Motion to Vacate), filed June 21, 2024, is shortened. Respondents' Response to the Motion to Vacate is due by the close of business (5:00 p.m.) the day after the issuance of this Decision.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director