

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0265CP

IN THE MATTER OF THE APPLICATION OF SHANE'S SHUTTLE LLC, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
ADDRESSING REPRESENTATION AND INTERVENTION,
PROVIDING OPPORTUNITY FOR EACH PARTY TO FILE
A STATEMENT REGARDING HEARING THAT
IDENTIFIES THE PARTY'S PREFERENCE FOR A
REMOTE, HYBRID, OR IN-PERSON HEARING,
ESTABLISHING PROCEDURAL SCHEDULE, AND
PROVIDING FURTHER INSTRUCTIONS**

Issued Date: July 29, 2024

I. STATEMENT

A. Background

1. On June 4, 2024, Shane's Shuttle, LLC ("Shane's Shuttle") filed the application described in the caption above ("Application").

2. On June 10, 2024, the Commission issued public notice of the authority sought by Colorado Cannabis Tours in the Application as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service between all points in the County of Jefferson, on the one hand, and Denver International Airport, on the other hand.

3. On June 12, 2024, Golden West Airport Shuttle, LLC doing business as Golden West Airport Shuttle filed an intervention claiming that the authority sought by Shane's Shuttle would overlap with their own authority described in Certificate of Public Convenience and

Necessity Nos. 55789. Shane's Shuttle further asserts that it would be harmed if the Application is granted.

4. On July 17, 2024, the Commission deemed the Application complete and referred the proceeding by minute entry to an Administrative Law Judge ("ALJ"). The proceeding was subsequently assigned to the undersigned ALJ.

B. Representation

5. Non-attorney Shane Coyler signed Shane's Shuttle Application and stated therein that he is the owner and President of Shane's Shuttle and will represent the company in this proceeding. Similarly, non-attorney Rachid Zouhair signed Golden West Airport Shuttle's Notice and stated therein that he is the Chief Executive Officer of Golden West Airport Shuttle and will represent that company in this proceeding. In the Application and Intervention, Shane's Shuttle and Golden West Airport Shuttle state that: (a) they do not believe the amount in controversy in this proceeding exceeds \$ 15,000; and (b) Shane's Shuttle and Golden West Airport Shuttle do not have more than three owners.

6. Based on the foregoing, the undersigned ALJ finds and concludes that, under Rule 1201(a) of the Commission's Rules of Practice and Procedure and § 13-1-127, C.R.S., Shane's Shuttle and Golden West Airport Shuttle have established that Shane Coyler and Rachid Zouhair are permitted to represent Shane's Shuttle and Golden West Airport Shuttle, respectively. Shane's Shuttle and Golden West Airport Shuttle are on notice that they will be bound by, and held to, the same procedural and evidentiary rules that attorneys must follow. No party will be held to a lesser standard because it has chosen not to have an attorney represent it in this proceeding.

C. Statement Regarding Hearing

7. In the Application, Shane's Shuttle requests a hearing in Evergreen, which the ALJ interprets as a request for an in-person hearing in Evergreen. Golden West Airport Shuttle did not address the hearing in its intervention.

8. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. The in-person part of a hybrid hearing must take place in one of the Commission's hearing rooms in Denver. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

9. Each party will be given the opportunity to file a Statement Regarding Hearing identifying the party's preference for an in-person, remote, or hybrid hearing. If a party prefers an in-person hearing, the party must identify its preferred location and provide an explanation of why the hearing should not take place in one of the Commission's hearing rooms in Denver. Any additional information supporting a request for a particular method of conducting the hearing (*e.g.*, remote, hybrid, or in-person) can be included in a Statement Regarding Hearing.

10. The deadline for the filing of the Statements Regarding Hearing will be **August 12, 2024**. The parties are on notice that the ALJ will retain discretion to choose and change the method by which the hearing will be conducted (*e.g.*, remote, hybrid, or in-person) and/or the location of the hearing.

D. Procedural Schedule

11. To facilitate the orderly and efficient litigation of this proceeding, the ALJ finds and concludes that a procedural schedule should be adopted, so that each party will have an opportunity prior to the hearing to review a summary of the anticipated testimony of each witness the other party intends to call at the hearing, and to review copies of the exhibits the other party will present at the hearing. Therefore, this Decision will order the parties to file, and to serve on each other, a list of witnesses, a summary of the testimony of each witness, and copies of the exhibits the filing party intends to present at the hearing.

12. On or before **September 9, 2024**, Shane's Shuttle will be ordered to file and serve on Great West Airport Shuttle: (a) a list that identifies the witnesses Shane's Shuttle intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Shane's Shuttle intends to present at the hearing.

13. On or before **October 9, 2024**, Great West Airport Shuttle will be ordered to file and serve on Shane's Shuttle: (a) a list that identifies the witnesses Great West Airport Shuttle intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Great West Airport Shuttle intends to present at the hearing.

14. As referenced in this Decision, serving a party with any document (*e.g.*, witness and exhibit lists and exhibits) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the Commission's Rules of Practice and Procedure.¹ The Commission's Rules (including Rule 1205)

¹ 4 CCR 723-1.

are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

15. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party (*e.g.*, the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).²

16. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). Each exhibit shall include the following information: a) exhibit number, b) proceeding number, c) name of the witness who will testify to the exhibit's foundation, and d) the date of the hearing. The parties shall work together to ensure that there are no overlaps in the numbering of the exhibits.

17. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

18. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

19. The parties are on notice that: a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required herein; b) failure to provide an accurate description of the anticipated testimony of a witness may also result in an order prohibiting such witness from testifying; and c) any exhibit may not be received in evidence, except in rebuttal, unless filed and served as required herein.

² See Rule 1205(e), 4 CCR 723-1.

E. Additional Advisements

20. The Parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* (“CCR”) 723-1. The ALJ expects the Parties to be familiar with and to comply with these rules. The rules are available on the Commission’s website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

II. ORDER**A. It Is Ordered That:**

1. Shane’s Shuttle, LLC (“Shane’s Shuttle”) and Great West Airport Shuttle, LLC (“Great West Airport Shuttle”) are the parties in this proceeding.

2. The deadline to file any Statement Regarding Hearing containing the information described above is **August 12, 2024**.

3. On or before **September 9, 2024**, Shane’s Shuttle shall file and serve on Great West Airport Shuttle: a) a list that identifies the witnesses Shane’s Shuttle intends to call at the hearing, b) the last known address and telephone number of each witness, c) a summary of the anticipated testimony of each witness; and d) copies of the exhibits Shane’s Shuttle intends to present at the hearing.

4. On or before **October 9, 2024**, Great West Airport Shuttle shall file and serve on Shane’s Shuttle: a) a list that identifies the witnesses Great West Airport Shuttle intend to call at the hearing, b) the last known address and telephone number of each witness, c) a summary of the anticipated testimony of each witness; and d) copies of the exhibits Great West Airport Shuttle intends to present at the hearing.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director