

Decision No. R24-0828-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0352CP

IN THE MATTER OF THE APPLICATION OF MINERS CREEK VENTURES, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
GRANTING INTERVENTION, REQUIRING FILINGS AND
SETTING PREHEARING CONFERENCE**

Issued Date: November 14, 2024

I. STATEMENT

1. On August 21, 2024, Miners Creek LLC (“Miners Creek”) initiated the captioned proceeding by filing an application seeking a Certificate of Public Necessity and Convenience to Operate as a Common Carrier by Motor Vehicle for Hire (“Application”) with the Colorado Public Utilities Commission (“Commission”).

2. On September 9, 2024, the Commission provided public notice of the Application by publishing a summary of the same in its Notice of Applications Filed:

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 within a 100-mile radius of the intersection of Main
Street and 7th Street in Creede, State of Colorado.

3. On October 8, 2024, Wilderness Journeys Pagosa Inc. doing business as A1 Taxi (“A1 Taxi”) filed their Intervention and Entry of Appearance by Right through their owner Kevin Metzler. This filing did not attach any Commission Authority held by A1 Taxi.

4. On October 8, 2024, AEX Inc. and San Miguel Mountain Ventures (“San Miguel”) filed their Notice of Intervention by Right, Alternative Motion For Intervention, and Entry of Appearance through their counsel. This filing attached the Commission Authority No. 12750 held by AEX and Commission Authority No. 1648 held by San Miguel.

5. On October 16, 2024, the Commission deemed the Application complete and referred it by minute entry to the undersigned Administrative Law Judge (“ALJ”) for disposition.

6. On October 24, 2024, by Decision No. R24-0767-I, interventions were granted, A1 Taxi was required to make certain filings and a prehearing conference was scheduled for November 12, 2024.

7. On November 8, 2024, A1 Taxi made the required filings.

II. PROCEDURAL SCHEDULE AND REMOTE HEARING

8. At the prehearing conference the parties agreed to the following procedural schedule:

- a) On or before December 6 2024, Miners Creek is ordered to file and serve on all intervenors: (a) a list that identifies the witnesses Miners Creek 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 Miners Creek will present at the hearing.
- b) On or before December 20, 2024, all intervenors ordered to file and serve on Miners Creek: (a) a list that identifies the witnesses the Intervenor 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 the Intervenor will present at the hearing.

9. An evidentiary hearing shall be held on January 7, 2024, commencing at 9:00 am.

10. 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. The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

11. 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).

A. Unified Numbering System for Hearing Exhibits

12. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1.

13. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

14. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Miners Creek is assigned hearing exhibit numbers 100 to 199;

- A1 Taxi is assigned hearing exhibit numbers 200 to 299;
- San Miguel is assigned hearing exhibit numbers 300 to 399; and
- AEX is assigned hearing exhibit numbers 400 to 499.

B. Additional Procedural Notices and Advisements

15. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

16. Additional procedural requirements may be addressed in future Interim Decisions.

17. The parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties comply with these rules.

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

19. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interest.

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

21. 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; (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.

C. Informational Video Conference Practice Session

22. The ALJ will hold an informal practice video conference session if requested by any Party to give the Parties an additional opportunity to practice using Zoom.

23. The Parties may contact the Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal practice video conference session.

24. If the Parties request a practice video conference, they will receive information and a link to participate in the informal practice session by email.

D. Additional Advisements

25. The Parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 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.

III. ORDER

A. It Is Ordered That:

1. The procedural schedule as stated above is adopted.
2. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: January 7, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconference using Zoom

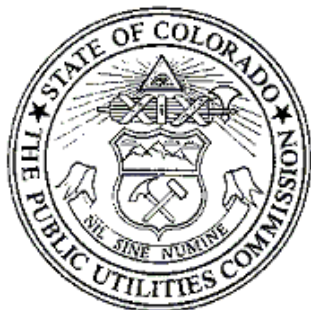
3. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

4. All participants must comply with the requirements in Attachment A and B to this Decision, which is incorporated into this Decision.

5. The Parties shall be held to the advisements in this Decision.

6. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

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

Rebecca E. White,
Director