

Decision No. R20-0082-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0647CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF CKIMY LLC DOING BUSINESS AS ILIMO FOR PERMANENT AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55931.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
SETTING PROCEDURAL SCHEDULE**

Mailed Date: February 6, 2020

I. STATEMENT

1. On November 15, 2019, Ckimy LLC, doing business as ilimo initiated the captioned proceeding by filing an application seeking authority to extend operations under Certificate of Public Necessity and Convenience (CPCN) No. 55931 (Application) with the Colorado Public Utilities Commission (Commission).

2. On November 25, 2019, the Commission provided public notice of the Application to extend the permit by publishing a summary of the same in its Notice of Applications Filed:

Currently, CPCN No. 55931 authorizes the following:

Transportation of

passengers in call-and-demand shuttle service:

- (I) between all points in the City and County of Denver, State of Colorado; and
- (II) between all points in the City and County of Denver, on the one hand, and all points in the Counties of El Paso, Jefferson, and Larimer, State of Colorado, on the other hand.

If the extension is granted, CPCN No. 55931 will read:

Transportation of

passengers in call-and-demand shuttle service

between all points in the Counties of Denver, El Paso, Jefferson, and Larimer, State of Colorado.

3. On December 6, 2019, Estes Valley Transport, Inc. (Estes Valley) filed its Intervention and Entry of Appearance through its counsel, Charles J. Kimball. This filing attached Commission Authority No. 54696 held by Estes Valley.

4. On January 2, 2020, the Commission deemed the Application complete and referred it to the undersigned Administrative Law Judge (ALJ) for disposition.

5. On January 10, 2020, by Decision No. R20-0025-I, a prehearing conference was scheduled for February 4, 2020.

6. On January 30, 2020, ilimo filed its Response in opposition to the Intervention of Estes Valley Transport (Response). In the Response, ilimo argued that Estes Valley had not met all of the requirements for intervening in the above captioned proceeding.

7. At the prehearing conference on February 4, 2020, the ALJ construed the Response to be a Motion to Strike the intervention of Estes Valley. After argument, the Response/Motion to Strike was denied. The parties then agreed upon a procedural schedule. This decision memorializes the agreed upon schedule.

II. PROCEDURAL SCHEDULE

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

Applicant’s Witness and Exhibit List & Exhibits due date.....	February 28, 2020
Intervenor’s Witness and Exhibit List & Exhibits due date.....	March 20, 2020
Evidentiary Hearing on Application	April 16, 2020

9. Witness lists shall include a description of the witnesses' anticipated testimony and the witnesses' last known address and telephone number.

10. If a party intends to introduce any documents in support of their case, they must file and serve an exhibit list which references that document and they must serve the exhibit on the other party. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.

11. 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 to the proceeding. Service may be accomplished by United States Mail, or through the Commission's E-filing system, if the party is registered with the E-filing system.

12. Except as stated below, all parties must demonstrate through a certificate of service that they have served the filed document on the other party. Documents served through the Commission's E-filing system do not require a certificate of service. 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).

13. Likewise, reference to filing a document means that the party shall provide the document to the Commission.

14. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). The exhibits shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing.

15. At the hearing, the parties shall bring an original and three copies of each exhibit they intend to introduce at the hearing.¹ The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the record of the proceeding. Nor is the Application in the record unless it is made an exhibit and then offered into evidence.

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

17. The parties are on notice that no witness, other than the Applicant, shall be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served as required herein. The parties are on notice that failure to provide a description of the witnesses' testimony may also result in an order prohibiting such witness from testifying.

18. The parties are on notice that no exhibit will be received in evidence, except in rebuttal, unless filed and served as required herein.

19. All parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1, Part 1. The ALJ expects the parties to comply with the Rules of Practice and Procedure. The rules are available on the Commission's website.

20. Non-attorneys will be held to the same standards as attorneys. Any party wishing to make an oral closing statement may do so immediately following the close of the evidence (*i.e.*, after presentation of evidence near the end of the hearing).

¹ The Commission will not be able to make copies of exhibits on the day of the hearing.

III. ORDER

A. It Is Ordered That:

1. An evidentiary hearing is scheduled in this matter as follows:

DATE: April 16, 2020

TIME: 9:00 a.m.

PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

2. The procedural schedule as stated in ¶ 8 is adopted

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

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director