

Decision No. R20-0344-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0030CP

IN THE MATTER OF THE APPLICATION OF COLORADO DETOURS LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING JOINT REQUEST TO RESCHEDULE
HEARING, CONTINUING HEARING, AND ESTABLISHING
SCHEDULE FOR THE FILING OF EXHIBIT AND
WITNESS LISTS AND MARKED EXHIBITS**

Mailed Date: May 6, 2020

I. STATEMENT

A. Background

1. On January 16, 2020, Colorado Detours LLC (Colorado Detours) filed the application described in the caption above (Application).
2. On January 21, 2020, the Commission issued a notice of the Application.
3. On January 31, 2020, AEX, Inc. (AEX) and San Miguel Mountain Ventures, LLC (SMMV), filed a Joint Intervention.
4. On February 26, 2020, the Commission deemed the Application complete and referred it to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.
5. On March 6, 2020, the ALJ issued Decision No. R20-0147-I that, among other things, scheduled an in-person hearing for May 7, 2020 starting at 9:00 a.m.

6. On April 28, 2020, the ALJ issued Decision No. R20-0308-I that converted the in-person hearing to a remote hearing, provided instructions for participating in or viewing the remote hearing, and established a new schedule for the filing and serving of witness and exhibit lists and marked exhibits.

7. On May 5, 2020, AEX and SMMV filed a Joint Motion to Reschedule Hearing from May 7, 2020 to May 15, 2020 (Joint Motion).

B. Joint Motion

8. In the Joint Motion, AEX and SMMV state that the parties have been engaged in settlement discussions and they believe that, with a continuance, “they will conclude their discussions successfully.”¹ The Joint Motion also states that the principals of Colorado Detours are presently in Louisiana due to a death in their family.²

9. The ALJ has engaged in informal communications with the parties and told the parties that May 15, 2020 is an available date for the hearing. In the Joint Motion, the parties request that the hearing be continued until May 15, 2020.

10. The parties have stated good cause to continue the hearing. Accordingly, the hearing shall be continued to May 15, 2020 at 9:00 a.m. The parties, witnesses, and members of the public must follow the instructions stated in Decision No. Decision No. R20-0308-I that issued on April 28, 2020 for participating in or viewing the hearing remotely.

C. Witness and Exhibit Lists and Marked Exhibits

11. Decision No. R20-0308-I established deadlines of May 4, 2020 and May 5, 2020 for the filing of witness and exhibit lists and exhibits for Colorado Detours and AEX and SMMV,

¹ Joint Motion at 1 (¶ 3).

² *Id.* at 1 (¶ 2).

respectively. Neither party appears to have complied with the deadlines. Under our unique circumstances, the ALJ shall establish new deadlines for the filing of these documents. Specifically, on or before **May 12, 2020**, Colorado Detours will be ordered to file and serve on AEX and SMMV: (a) a list that identifies the witnesses Colorado Detours 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 pre-marked exhibits Colorado Detours will present at the hearing. Colorado Detours shall pre-mark exhibits starting with exhibit number 1.

12. On or before **May 13, 2020**, AEX and SMMV will be ordered to file and serve on Colorado Detours: (a) a list that identifies the witnesses each AEX and SMMV intend 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 pre-marked exhibits AEX and SMMV will present at the hearing. AEX and SMMV shall pre-mark exhibits starting with the next exhibit number following the last exhibit number used by Colorado Detours.

13. If Colorado Detours and/or AEX and SMMV send their witness and exhibit lists and marked exhibits via U.S. Mail to the Commission for filing, they must email their witness and exhibit lists and marked exhibits to the ALJ and the other parties by 5:00 p.m. on the dates stated above.

II. ORDER

A. **It Is Ordered That:**

1. The hearing scheduled for May 7, 2020 at 9:00 a.m. is continued to May 15, 2020 at 9:00 a.m. The parties, witnesses, and members of the public must follow the instructions stated in Decision No. Decision No. R20-0308-I that issued on April 28, 2020 for participating in

or viewing the hearing remotely. The parties, witnesses, and members of the public should not attend the remote hearing in-person.

2. On or before May 12, 2020, Colorado Detours, LLC (Colorado Detours) shall file and serve on AEX, Inc. (AEX) and San Miguel Mountain Ventures, LLC (SMMV): (a) a list that identifies the witnesses Colorado Detours 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 pre-marked exhibits Colorado Detours will present at the hearing.

3. On or before May 13, 2020, AEX and SMMV shall each file and serve on Colorado Detours: (a) a list that identifies the witnesses AEX and SMMV intend 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 pre-marked exhibits AEX and SMMV will present at the hearing.

4. If Colorado Detours and/or AEX and SMMV send their witness and exhibit lists and marked exhibits via U.S. Mail to the Commission for filing, they must email their witness and exhibit lists and marked exhibits to the Administrative Law Judge and the other parties by 5:00 p.m. on the dates stated above.

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 "Doug Dean".

Doug Dean,
Director