

Decision No. R25-0607-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25F-0178CP

ROMAN LYSENKO,

COMPLAINANT,

V.

DTR OPERATIONS, LLC DOING BUSINESS AS ROCKY MOUNTAIN EVENT SHUTTLES,

RESPONDENT.

**INTERIM DECISION ACKNOWLEDGING
RESPONDENT'S OBJECTION**

Issued Date: August 20, 2025

I. SUMMARY AND RELEVANT PROCEDURAL BACKGROUND

1. On April 25, 2025, Roman Lysenko (“Complainant”) initiated this matter by filing a Complaint with the Public Utilities Commission (“PUC” or “Commission”) against DTR Operations, LLC doing business as Rocky Mountain Event Shuttles (“Respondent”).

2. By Decision No. R25-0569-I, and after conferring with the parties, the Administrative Law Judge (“ALJ”) set this Proceeding for a remote hearing date of August 28, 2025.

3. On August 6, 2025, Complainant requested that the ALJ issue two subpoenas: one for Ace Express Coaches, LLC to testify at the August 28, 2025 hearing and one for Respondent to testify at the August 28, 2025 hearing.

4. Complainant's requests for subpoenas each included an associated Affidavit of Good Cause.

5. On August 15, 2025, Respondent filed an Objection to Claimant's Request For Subpoena to Attend and Testify to Respondent DTR Operations, LLC dba Rocky Mountain Event Shuttles ("Objection").

II. OBJECTION

6. Respondent alleged that Complainant's proposed subpoena has not been provided to Respondent's counsel for review.¹ Respondent also argues that, because the Complainant did not share the subpoena to Respondent's counsel, it is "necessarily impossible for the tribunal to determine whether the proposed subpoena passes muster under the good cause requirement set forth in C.R.S. § 40-6-103(1)..."² Respondent further states that Complainant's "failure to provide the contents of the subpoena creates an improper risk of unnecessarily consumption of [sic] Respondent's resources resulting directly from Claimant's gamesmanship and to condone this practice would be inconsistent with traditional notions of fair play and substantial justice."³

7. Respondent argues that Complainant's failure to attach the proposed subpoena to his request for a subpoena "is directly prejudicial to Respondent and condoning the practice would be in direct degradation to Respondent's fundamental right to due process of law in this administrative proceeding."⁴

8. Respondent further argues that "without knowing the contents of the subpoena, it is impossible for Respondent to determine the purpose of the subpoena with respect to the evidence

¹ See Objection at p. 1.

² *Id.*

³ *Id.*

⁴ *Id.* at p. 2

Claimant is seeking to introduce at the hearing.”⁵ In addition, Respondent states it is “further impossible to evaluate the probative value of the evidence sought by Claimant and whether such evidence is unfairly prejudicial...”⁶ Respondent asserts that if the evidence Complainant seeks is uncontested, that evidence could be admitted by way of stipulation or through stipulated facts, which would streamline this Proceeding.⁷

9. Finally, Respondent asserts that pursuant to Colorado Rule of Civil Procedure (“CRCP”) 45(D)⁸ (sic), Respondent cannot be issued a subpoena absent good cause.⁹

10. Respondent does not state a claim for relief in its Objection.

III. DISCUSSION

11. The ALJ reviewed Respondent’s Objection. As Respondent made no claim for requested relief, the ALJ makes no rulings on the Objection. However, the ALJ notes that Respondent’s Objection is moot because Respondent filed the Objection after the subpoenas were issued.

12. In addition, Respondent is not entitled to pre-approve Complainant’s subpoenas.¹⁰ The ALJ finds that Complainant’s request for a subpoena does not degrade Respondent’s due process as Respondent claims. The ALJ also finds that Complainant’s request for subpoenas is consistent with traditional notions of fair play and justice, contrary to Respondent’s assertions.

13. Moreover, the ALJ finds that Complainant’s affidavits of good cause were sufficient under Rule 1406(b).¹¹

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ The ALJ believes Respondent intended to cite CRCP 45(a)(1)(D).

⁹ *Id.*

¹⁰ See CRCP 45(b)(5) (The party who issues the subpoena shall serve a copy of the subpoena to other parties in the case **after** the issuing party serves the subpoena).

¹¹ 4 *Colorado Code of Regulations* 723-1 (Rules of Practice and Procedure).

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

1. The ALJ acknowledges Respondent's Objection to Claimant's Request for Subpoena to Attend and Testify to Respondent DTR Operations, LLC dba Rocky Mountain Event Shuttles ("Objection").
2. The ALJ takes no action on Respondent's Objection as Respondent did not include any requested relief in the Objection.
3. Respondent's Objection is moot as Respondent filed it after the subpoenas in this Proceeding were issued.
4. Complainant's requests for subpoenas did not violate Respondent's due process rights.
5. This Decision is effective immediately.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director