

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 25A-0262CP-XFER

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IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55951 FROM SOBER BUDDY SHUTTLE, LLC TO HY-MOUNTAIN TRANSPORTATION, INC DOING BUSINESS AS HIGH MOUNTAIN TAXI, INC.

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**INTERIM DECISION GRANTING INTERVENTION,  
SETTING PROCEDURAL SCHEDULE, AND SETTING  
REMOTE HEARING**

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Issued Date: September 12, 2025

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**I. RELEVANT PROCEDURAL HISTORY**

1. On June 16, 2025, Joint Applicants Sober Buddy Shuttle, LLC doing business as Sober Buddy Shuttle (“Sober Buddy” or “Transferor”) and Hy-Mountain Transportation, Inc. doing business as High Mountain Taxi (“Transferee”) (together “Joint Applicants”) filed their

Joint Application for Authority to Transfer Certificate of Public Convenience and Necessity (“CPCN”) No. 55951 (“Application”) from Transferor to Transferee.

2. CPCN No. 55951 authorizes:

Transportation of passengers, in call-and-demand shuttle service:

(I) between all points in Rio Blanco County, State of Colorado, and between said points, on the one hand, and (a) Denver International Airport, (b) the City of Vernal, Montrose County, and (c) all points in the Counties of Moffat, Garfield, Mesa, and Routt, on the other hand;

(II) between all points in Moffat County, State of Colorado, and between said points, on the one hand, and (a) Denver International Airport, (b) the City of Vernal, Montrose County, and (c) all points in the Counties of Moffat, Garfield, Mesa, and Routt, on the other hand.

RESTRICTION: This authority is restricted to the use of vehicles with a maximum seating capacity of 7 passengers (including driver).

3. On June 23, 2025, the Colorado Public Utilities Commission (“Commission”) provided notice of the Application (“Notice”). The Notice established a 30-day deadline to intervene, which expired after July 23, 2025.<sup>1</sup>

4. On June 30, 2025, All Around Taxi, LLC (“All Around Taxi”) filed its “Notice of Intervention as of Right, or in the Alternative, Motion for Intervention of Sober Buddy Shuttle, LLC [*sic*] and Entry of Appearance” (“First Intervention”). While All Around Taxi identified that it owns CPCN No. 56014, All Around Taxi failed to include a copy of the Letter of Authority with its Initial Intervention.

5. On July 10, 2025, Joint Applicants filed an Objection to Intervention of All Around Taxi, LLC and Motion for Extension of Time (“Objection to First Intervention”). Among other arguments, Joint Applicants noted that because All Around Taxi did not include a copy of its Letter

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<sup>1</sup> See Notice at p. 1.

of Authority with its Initial Intervention, the ALJ should not acknowledge it.<sup>2</sup> Joint Applicants also requested an extension of time to file the Objection to First Intervention.<sup>3</sup>

6. On July 17, 2025, All Around Taxi filed a “Notice of Intervention as of Right, or in the Alternative, Motion for Intervention of Sober Buddy Shuttle, LLC [*sic*] and Entry of Appearance” (“Second Intervention”). All Around Taxi failed to include a copy of its Letter of Authority with its Second Intervention.

7. On July 24, 2025, Joint Applicants filed a Motion to Strike the Second Intervention of All Around Taxi, LLC or, in the Alternative, Objection to Second Intervention (“Motion to Strike Second Intervention”).

8. On July 30, 2025, the Commission deemed the Application complete and referred the matter by minute entry to an Administrative Law Judge (“ALJ”).

9. On August 4, 2025, All Around Taxi filed a Motion to Respond to Objection of Second Intervention of All Around Taxi, LLC Or, In the Alternative, Objection to Second Intervention (“Third Filing”). All Around Taxi failed to include a copy of its Letter of Authority with the Third Filing.

10. On August 11, 2025, Joint Applicants filed their Motion to Strike (“Motion to Strike Third Filing”).

## **II. RELEVANT LAW**

11. In relevant part, “common carriers” are defined as: “every person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state by motor vehicle or other vehicle whatever by

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<sup>2</sup> Objection to First Intervention at p. 2.

<sup>3</sup> *Id.* at p. 4.

indiscriminately accepting and carrying passengers for compensation.”<sup>4</sup> To lawfully operate or offer to operate as a common carrier, a person must first obtain a certificate declaring that the present or future public convenience and necessity requires or will require such operation (a CPCN).<sup>5</sup> Once the person possesses the CPCN, the CPCN holder may transfer the CPCN as other property, subject to prior authorization of the Commission.<sup>6</sup> For the transfer of a CPCN, the Commission may only consider the fitness of the transferee.<sup>7</sup>

12. In proceeding such as this, there are two classes of intervenors: those who claim a legally protected right that may be impacted by the proceeding (intervention of right), and those who claim pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).<sup>8</sup> To intervene of right, a carrier’s intervention must: state the basis for the claimed legally protected right that may be impacted by the proceeding; include a copy of the carrier’s authority; show that the carrier’s authority is in good standing; identify the specific parts of the authority that are in conflict with the application; and explain the consequences to the carrier and the public interest if the application is granted.<sup>9</sup> An intervenor’s letter of authority provides the basis for the legally protected right that an intervenor claims may be impacted by the proceeding. Thus, when determining whether an intervention of right is appropriate, it is important to determine whether the intervenor’s letter of authority shows that it has the right to operate in a manner that may be impacted by an application’s requested authority.

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<sup>4</sup> See § 40-1-102(3)(a)(I), C.R.S.

<sup>5</sup> § 40-10.1-201(1), C.R.S.

<sup>6</sup> § 40-10.1-205(1), C.R.S.

<sup>7</sup> § 40-10.1-205(3), C.R.S. See also *DeLue v. Pub Utils. Comm’n*, 454 P.2d 939, cert denied, 396 U.S. 956 (A certificate is by law deemed subject to transfer as any other property, although the approval of the Commission is additionally required, and the fitness of the purchaser to succeed to the common-carrier operation of the transferor).

<sup>8</sup> Rule 1401(b) and (c), of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

<sup>9</sup> Rule 1401(b) and (f)(I), 4 CCR 723-1.

13. Persons or entities seeking permissive intervention in a proceeding must: state the specific grounds relied upon for intervention; identify the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; explain why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding; and must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interest of the movant and that the movant's interests would not otherwise be adequately represented.<sup>10</sup>

14. Anyone wishing to intervene in a proceeding must do so in a timely manner.<sup>11</sup>

### **III. FINDINGS, ANALYSIS, AND CONCLUSIONS**

#### **A. Filings in Proceeding**

15. All Around Taxi timely filed its First Intervention.<sup>12</sup> Joint Applicants objected to the First Intervention because All Around Taxi failed to provide its Letter of Authority.<sup>13</sup> Joint Applicants also argued that All Around Taxi's First Intervention improperly collaterally attacks the Transferor's authority, and that All Around Taxi did not establish how granting its First Intervention is in the public interest.<sup>14</sup>

16. All Around Taxi filed its Second Intervention within the deadline set forth in the Notice. All Around Taxi claimed intervention of right.<sup>15</sup> Alternatively, All Around Taxi moved for permissive intervention.<sup>16</sup> Joint Applicants' Motion to Strike Second Intervention responds to All Around Taxi's request and asks the Commission to strike the Second Intervention because it

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<sup>10</sup> Rule 1401(c), 4 CCR 723-1.

<sup>11</sup> See Notice at p. 1; *see also* Rule 1401(a), 4 CCR 723-1.

<sup>12</sup> See Notice (setting a July 23, 2025 deadline to intervene.).

<sup>13</sup> Objection to First Intervention at p. 2.

<sup>14</sup> *Id.*

<sup>15</sup> Second Intervention at p. 1 (document pages unnumbered).

<sup>16</sup> *Id.*

was procedurally improper.<sup>17</sup> Joint Applicants also reiterated arguments from their Objection to First Intervention.<sup>18</sup>

17. Based on substantive allegations in the Second Intervention, and because All Around Taxi filed the Second Intervention within the 30-day deadline in the Notice, the ALJ will construe the Second Intervention as superseding (*i.e.* replacing) the First Intervention.<sup>19</sup> For these reasons, and for the reasons discussed in section III(B) below, the ALJ will accept All Around Taxi's Second Intervention, and will deny Joint Applicants' Objection to First Intervention as moot.

18. All Around Taxi's Third Filing states that it is a motion to strike Joint Applicants' Motion to Strike Second Intervention.<sup>20</sup> However, All Around Taxi reiterates many of the same arguments in its First and Second Interventions and seeks relief. Specifically, All Around Taxi requests that Joint Applicants' transfer be denied and that "Sober Buddy reapply in a timely manner."<sup>21</sup> Joint Applicants' Motion to Strike Third Filing notes that All Around Taxi made similar arguments in its prior intervention documents.<sup>22</sup>

19. Based on the substantive nature of the Third Filing, the ALJ construes it as an unauthorized reply to Joint Applicants' Motion to Strike Second Intervention. This is because in its Second Intervention, All Around Taxi sought to be admitted into the Proceeding through its request for permissive intervention (motion), Joint Applicants requested that All Around Taxi's request be denied (response), and then All Around Taxi objected to Joint Applicants' response

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<sup>17</sup> Motion to Strike Second Intervention at p. 2.

<sup>18</sup> *Id.*

<sup>19</sup> All Around Taxi did not file an objection to Joint Applicants' July 11, 2025 motion for extension of time. Accordingly, the ALJ deems the motion confessed under Rule 1400(d), 4 CCR 723-1, and will grant it.

<sup>20</sup> All Around Taxi's Reply at p. 1 (document pages unnumbered).

<sup>21</sup> Third Filing at p. 2 (document pages unnumbered).

<sup>22</sup> Motion to Strike Third Filing at p. 2.

(reply). Commission rules do not permit replies to motions absent an order authorizing it, so the ALJ will not consider All Around Taxi's Third Filing and will grant Joint Applicants' Motion to Strike Third Filing.<sup>23</sup>

**B. All Around Taxi's Intervention**

20. All Around Taxi's Second Intervention states that it may intervene of right because the authority sought here conflicts and overlaps with its authority, PUC No. 56014.<sup>24</sup> In support, All Around Taxi states that its PUC No. 56014 allows it to provide call-and-demand taxi service between all points in Moffat County, and between said points, on the one hand, and all points in Routt County, on the other hand, which overlaps with the authority sought here.<sup>25</sup> All Around Taxi asserts it has a legally protected right to participate in this Proceeding as a result.<sup>26</sup> All Around Taxi also asserts that allowing Transferee to offer services in Moffat County would be in direct conflict with All Around Taxi's current service offerings.<sup>27</sup>

21. All Around Taxi failed to provide a copy of its Letter of Authority as required by Rule 1401(f)(I), 4 CCR 723-1, and so its intervention of right is unsupported and fails.

22. In the alternative, All Around Taxi seeks to permissively intervene in this Proceeding.<sup>28</sup> To permissively intervene, All Around Taxi must state the specific grounds relied upon for the intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding.<sup>29</sup>

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<sup>23</sup> See Rule 1400(e), 4 CCR 723-1.

<sup>24</sup> Second Intervention at p. 1.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Second Intervention at p. 1.

<sup>28</sup> Second Intervention at p. 1.

<sup>29</sup> Rule 1401(c), 4 CCR 723-1.

23. Here, All Around Taxi alleges that its pecuniary or tangible interests would be impacted by the transfer and that the Transferee's proposed business model will "be directly in conflict with All Around Taxi."<sup>30</sup> All Around Taxi also alleges that Transferor has never been dependable to the Moffat County community and generally objects to the transfer.<sup>31</sup> Joint Applicants argue that All Around Taxi seeks to collaterally attack the Commission's prior grant of CPCN No. 55951 to Sober Buddy and that the request to intervene should be denied.<sup>32</sup> The ALJ finds that All Around Taxi meets the criteria for permissive intervention in this Proceeding and will grant its request. Accordingly, the ALJ will deny Joint Applicants' Motion to Strike Second Intervention.

#### **IV. REMOTE HEARING**

24. Based on the flexibility it affords the parties and their witnesses, the evidentiary hearing in this matter will be held in a remote format. A remote hearing is where the parties and ALJ appear remotely. The hearing will be scheduled for October 30, 2025, at 10:00 a.m. as ordered below. A webcast of the proceedings will be available to the public through the Commission's website.

25. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

26. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video conference allows parties and witnesses

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<sup>30</sup> Second Intervention at p. 1.

<sup>31</sup> *Id.*

<sup>32</sup> Motion to Strike Second Intervention at p. 2.



to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

27. The remote evidentiary hearing will be conducted via video conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the remote hearing may be disrupted by non-participants, the link and meeting ID, or access code to attend the hearing will be provided to the parties by email approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

28. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this proceeding. Given that the hearing will require remote participation by video conference, exhibits must be presented electronically.

29. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in a remote evidentiary hearing.<sup>33</sup> As such, it is essential that the parties ensure they can access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

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<sup>33</sup> Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

30. 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, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

31. 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.

32. 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:

- Joint Applicants are assigned hearing exhibit numbers 100 to 199; and
- All Around Taxi is assigned hearing exhibit numbers 200 to 399.

33. Joint Applicants must file a list of the witnesses he intends to call during the hearing and to file a copy of the exhibits they intend to use as evidence during the hearing (marked with hearing numbers in the block described above) by October 9, 2025.

34. All Around Taxi must file its list of witnesses it intends to call during the hearing and to file copies of the exhibits it intends to use during the hearing (marked with hearing numbers in the block described above) by October 16, 2025.

## **V. ADVISEMENTS**

35. The ALJ advises the parties that the scope of this hearing is limited to Transferee's fitness.<sup>34</sup> The scope of the hearing will not include issues related to public convenience and necessity of CPCN No. 55951 or whether Sober Buddy properly acquired the authority set out in CPCN No. 55951.<sup>35</sup>

36. At the hearing, Joint Applicants bear the burden of proof by a preponderance of the evidence to show that it has met the legal requirements to be granted its requested relief.<sup>36</sup> The preponderance standard requires that evidence of a contested fact outweigh the evidence to the contrary.<sup>37</sup> That is, the fact finder must determine whether the existence of a contested fact is more probable than its non-existence.<sup>38</sup> A party meets this burden of proof when the evidence, on the whole and however slightly, tips in favor of that party.<sup>39</sup>

37. Because Joint Applicants have the burden of proof, they will present evidence first during the hearing. All Around Taxi will be permitted to cross-examine any witnesses that Joint Applicants present. Once Joint Applicants rest their direct case (*i.e.*, finish presenting evidence in support of the Application), All Around Taxi will have the opportunity to present its direct-case evidence, and Joint Applicants will be permitted to cross-examine any witnesses that All Around Taxi presents. Once All Around Taxi has finished its evidentiary presentation, Joint Applicants will have an opportunity to present evidence rebutting the evidence that All Around Taxi presented

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<sup>34</sup> See *DeLue v. Pub Utils. Comm'n*, 454 P.2d 939, *cert denied*, 396 U.S. 956 (A certificate is by law deemed subject to transfer as any other property, although the approval of the Commission is additionally required, and the fitness of the purchaser to succeed to the common-carrier operation of the transferor).

<sup>35</sup> Compare § 40-10.1-202 (2), C.R.S. (Commission must not grant a permit or extension of an existing permit if it will impair the efficient public service of any authorized common carrier then adequately serving the same territory), with § 40-10.1-205(3), C.R.S. ("An existing certificate or permit shall not be transferred unless the fitness of the transferee is established to the satisfaction of the commission.")

<sup>36</sup> §§ 24-4-105(7); 13-25-127(1), C.R.S.; Rule 1500, 4 CCR 723-1.

<sup>37</sup> *Mile High Cab, Inc. v. Colorado Public Utilities Comm'n*, 302 P.3d 241, 246 (Colo. 2013).

<sup>38</sup> *Swain v. Colorado Dep't of Revenue*, 717 P.2d 507, 508 (Colo. App. 1985).

<sup>39</sup> *Schocke v. Dep't of Revenue*, 719 P.2d 361, 363 (Colo. App. 1986).

in its direct case. All parties will be permitted to offer exhibits during the hearing.

38. 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. A party's failure to comply with these rules may result in decisions adverse to their interests. The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

39. The parties are on notice that all filings they make in this Proceeding *must be served* upon all other parties in accordance with Rule 1205, 4 CCR 723-1.

40. The parties are on notice that non-attorney representatives will be held to the same standards as attorneys.

41. A party's failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests.

42. 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 and box.com before the hearing.

43. The parties may contact the Commission Legal Assistants by email at [casey.federico@state.co.us](mailto:casey.federico@state.co.us) or [stephanie.kunkel@state.co.us](mailto:stephanie.kunkel@state.co.us) to schedule an informal practice videoconference session.

44. The parties will receive information and a link to participate in the informal practice session by email.

45. Additional procedural requirements may be addressed in future interim decisions.

46. The parties are reminded that filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

## **VI. ORDER**

### **A. It Is Ordered That:**

1. Sober Buddy Shuttle, LLC doing business as Sober Buddy Shuttle and Hy-Mountain Transportation, Inc. doing business as High Mountain Taxi's (collectively "Joint Applicants") July 10, 2025 Objection to Intervention of All Around Taxi, LLC and Motion for Extension of Time ("Objection to First Intervention") is granted in part and denied in part, consistent with the above discussion.

2. All Around Taxi, LLC's ("All Around Taxi") July 17, 2025 request for permissive intervention in its "Notice of Intervention of Right, or in the Alternative, Motion for Intervention of Sober Buddy Shuttle, LLC [*sic*] and Entry of Appearance" ("Second Intervention") is granted, consistent with the above discussion. All Around Taxi is a party in this Proceeding. The Second Intervention is the operative intervention document and any intervention documents filed before or after July 17, 2025, including any attachments thereto, are not part of the intervention.

3. Consistent with the above discussion, Joint Applicants' July 24, 2025 Motion to Strike Second Intervention of All Around Taxi, LLC or, in the Alternative, Objection to Second Intervention is denied, and Joint Applicants' August 11, 2025 Motion to Strike is granted.

4. A remote hearing is scheduled as follows:

DATE: October 30, 2025

TIME: 10:00 a.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge OR Commission Staff<sup>40</sup>

5. Joint Applicants must file and serve a list of the witnesses they intend to call to testify during the hearing and file and serve a copy of the exhibits they intend to use as evidence during the hearing (marked with hearing numbers in their block described below) by **October 9, 2025**.

6. All Around Taxi must file and serve a list of the witnesses it intends to call during the hearing and file and serve a copy of the exhibits it intends to use as evidence during the hearing (marked with hearing numbers within its assigned block described below) by **October 16, 2025**.

7. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties must use a unified numbering system for all hearing exhibits. Joint Applicants are assigned hearing exhibit numbers 100-199 and All Around Taxi is assigned hearing exhibit numbers 200-399.

8. 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.

9. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

10. The parties will be held to the advisements in this Decision.

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<sup>40</sup> Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

11. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

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Administrative Law Judge