

Decision No. R19-0774-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0233CP

IN THE MATTER OF THE APPLICATION OF GET2VAIL CORP 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
STEVEN H. DENMAN
REQUIRING A FILING BY THE PARTIES**

Mailed Date: September 18, 2019

I. STATEMENT AND FINDINGS

1. On May 6, 2019, Applicant Get2Vail Corp (Applicant or Get2Vail) filed the above-captioned application for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire (Application) and commenced this proceeding.¹

2. The procedural history of this proceeding is set forth in Decision No. R19-0570-I (issued on July 9, 2019), and is repeated here as necessary to put this Decision into context.

3. On June 18, 2019, Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (Hy-Mountain), by and through its counsel, filed its Entry of Appearance and Intervention (Intervention). The Intervention requested that the Application be denied.

4. Get2Vail and Hy-Mountain are the only parties to this proceeding.

5. On September 17, 2019, Get2Vail filed a document entitled “Service Restriction Agreement” (Agreement). While the Agreement states that it is between Get2Vail and

¹ On May 13, 2019, Applicant filed an Amendment to the Application in order to clarify the scope of the proposed authority.

Hy-Mountain, the Agreement is signed only by Serghei Timinschi on behalf of Get2Vail. The Agreement is not signed by anyone on behalf of Hy-Mountain and fails to reveal Hy-Mountain's position on the Agreement.

6. Decision No. R19-0570-I scheduled an evidentiary hearing on the Application for Tuesday, September 24, 2019 at 9:00 a.m. in a Commission hearing room.

7. Since the hearing is less than one week away, the Administrative Law Judge will order counsel for Hy-Mountain to make a filing in this proceeding stating Hy-Mountain's position on the Agreement; whether Hy-Mountain intends to withdraw its Intervention; its position on whether this Application should be granted as restricted; and regarding whether the evidentiary hearing should be held or vacated. In other words, does Hy-Mountain intend to file pleadings agreeing to the restrictions stated in the Agreement, withdrawing its intervention, or asking that the evidentiary hearing be vacated?

8. The parties may also file a joint pleading clarifying their intentions regarding this proceeding and the evidentiary hearing, as discussed above.

9. The filing ordered by this Interim Decision will be due no later than 3:00 p.m. on Friday, September 20, 2019.

10. If counsel for Hy-Mountain and/or Applicant fail to make the filing ordered by this Interim Decision, the evidentiary hearing will proceed as scheduled on September 24, 2019.

II. ORDER

A. It Is Ordered That:

1. Consistent with the Findings in this Decision, Counsel for Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (Hy-Mountain) shall file in this proceeding a pleading stating Hy-Mountain's position on the Service Restriction Agreement,

filed by Applicant Get2Vail Corp on September 17, 2019; whether Hy-Mountain intends to withdraw its Intervention; Hy-Mountain's position on whether this Application should be granted as restricted; and regarding whether the evidentiary hearing should be held or vacated.

2. The filing ordered by this Interim Decision shall be due no later than 3:00 p.m. on Friday, September 20, 2019.
3. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director