

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0074CP

IN THE MATTER OF THE APPLICATION OF COLORADO MOBILE MUSIC INC. 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
ALENKA HAN
ADDRESSING PREHEARING MATTERS AND
SETTING EVIDENTIARY HEARING**

Mailed Date: September 21, 2022

I. STATEMENT

A. Procedural History and Background

1. On February 14, 2022, Colorado Mobile Music Inc. (Applicant) filed the above-captioned proceeding with the Colorado Public Utilities Commission.

2. The following parties intervened in the application: Ullr Tours, LLC, doing business as The Colorado Sightseer (Colorado Sightseer); Ckimy, LLC, doing business as iLIMO (iLIMO); Estes Park Charters Corp. (Estes Park Charters); Fun Tyme Trolleys, LLC, doing business as Estes Park Trolleys (Fun Tyme); and Mountain Star Transportation, LLC, doing business as Explorer Tours (Mountain Star).

3. Colorado Sightseer and iLIMO were dismissed as Intervenor by Decision No. R22-0271-I, issued May 3, 2022. Intervenor Estes Park Charters, and Fun Tyme have withdrawn their interventions. Thus, the only Intervenor remaining in this proceeding is Mountain Star.

4. On August 24, 2022, Applicant filed an amended witness and exhibit list describing its exhibits and its witnesses' expected testimony. However, Applicant did not file its exhibits, and, to date, has not done so.

B. Prehearing Issues

5. To ensure Intervenor Mountain Star suffers no prejudice as a result of Applicant's late filed exhibits, exhibit list, and detailed witness list, the ALJ finds that the circumstances warrant granting Mountain Star additional time to amend its witness and exhibit lists, if it so chooses. Thus, if Mountain Star wishes to amend its witness or exhibit list, or file additional exhibits, it must, by the deadline set by this order, file the following:

- a) An amended witness list identifying any additional witnesses Mountain Star may call, along with a description of the additional witnesses' anticipated testimony;
- b) An amended exhibit list identifying any additional exhibits Mountain Star may seek to introduce at the evidentiary hearing; and,
- c) Any exhibits it identifies in its amended list.

6. Given that the parties have filed their witness and exhibit lists and either have or will have copies of the parties' exhibits, the ALJ finds that no further prehearing conference is warranted at this time. See Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. However, any party may request a prehearing conference at any time.

7. In accordance with the parties' desire for an in-person evidentiary hearing, as expressed at the prehearing conference held on May 3, 2022, an in-person evidentiary hearing will be scheduled.

8. The remaining parties are on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including granting the

complete relief opposing parties seek, dismissing interventions, and dismissing or granting the Application.

9. The parties are reminded that no witness will be permitted to testify, except in rebuttal, unless that witness has been identified on a list of witnesses filed in accordance with the procedural schedule. Likewise, no exhibit will be received in evidence, except in rebuttal, unless filed in accordance with the procedural schedule.

II. ORDER

A. It Is Ordered That:

1. An **in-person** hearing is scheduled as follows:

DATE: **Thursday, November 17, 2022**

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. No later than **Friday, October 7, 2022**, Applicant Colorado Mobile Music shall file (or supplement) and serve: (a) a list that identifies the witnesses Applicant intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Applicant will present at the hearing.

3. No later than **Friday, October 28, 2022**, Intervenor Mountain Star, shall file (or supplement) and serve: (a) a list that identifies the witnesses Intervenor intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Intervenor will present at the hearing.

4. **Instructions for Preparation and Presentation of Exhibits at Hearing:** Detailed instructions governing the preparation and presentation of exhibits at the hearing are set out in Attachment A to this order, which is incorporated into and made part of this order.

5. This Order is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director