

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0132CP

IN THE MATTER OF THE APPLICATION OF NDW ENTERPRISES LLC DOING BUSINESS AS SKI TOWN TRANSPORTATION 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
SCHEDULING CONTINUED IN-PERSON HEARING**

Mailed Date: March 30, 2023

I. STATEMENT

A. Background

1. On March 25, 2022, NDW Enterprises LLC, doing business as Ski Town Transportation (Ski Town), filed its Permanent Authority Application.

2. The Commission gave notice of the application on March 28, 2022. As originally noticed, the application sought the following authority:

a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers, in Shuttle service:

- (1) between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area, on the other hand;
- (2) between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Craig, Colorado, including all

points within one mile of the town limits of Craig, Colorado, on the other hand; and

- (3) between all points within the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area.

3. On April 13, 2022, Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Go Alpine), timely intervened of right.

4. The Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ) for resolution by minute entry during the Commission's Weekly Meeting held on May 4, 2022. The proceeding was subsequently assigned to Chief ALJ G. Harris Adams.

5. On May 11, 2022, Chief ALJ Adams issued Decision No. R22-0292-I that provided an opportunity for the parties to file a Statement Regarding the Hearing identifying the party's preference for an in-person, remote, or hybrid hearing.

6. On May 24, 2022, Chief ALJ Adams issued Decision No. R22-0322-I that, among other things, established a procedural schedule, including an in-person hearing in Steamboat Springs on September 12-13, 2022.

7. The in-person hearing took place on September 12-13, 2022. During the hearing on September 13, 2022, the parties stated on the record that they had reached a settlement of the dispute in this proceeding. Both parties stated that they would file a document detailing the settlement agreement and requesting further action by the Commission.

8. Subsequently, the proceeding was transferred to the undersigned ALJ.

9. Because the parties did not file the settlement agreement, the undersigned ALJ issued Decision No. R22-0808-I on December 16, 2022: (a) scheduling a remote prehearing

conference on January 4, 2023 at 9:30 a.m.; ordering the parties to file a joint status report addressing: (i) the status of their settlement agreement, their failure to file the settlement document promised at the hearing on September 13, 2022, and any plan by the parties to file the promised settlement agreement; and (ii) waiver of the deadline imposed by § 40-6-109.5(2), C.R.S.; (c) ordering the parties to be prepared to discuss at the remote prehearing conference whether extraordinary conditions exist justifying the extension of the statutory deadline by an additional 130 days pursuant to § 40-6-109.5(4), C.R.S.; and (d) ordering Ski Town to be prepared at the remote prehearing conference to show cause why the Application should not be dismissed for failure to prosecute.

10. On December 20, 2022, Ski Town filed a Notice of its waiver of the statutory deadline imposed by § 40-6-109.5(2), C.R.S., and a Motion for Extension to file the status report required by Decision No. R22-0808-I.

11. On December 21, 2022, Ski Town filed an Amended Motion for Extension to file the status report required by Decision No. R22-0808-I.

12. On December 28, 2022, Ski Town filed the Status Report required by Decision No. R22-0808-I.

13. On January 4, 2023, the remote prehearing conference schedule in Decision No. R22-0808-I took place. At the conclusion of the remote prehearing conference, the ALJ ordered the parties to file a Second Status Report by January 27, 2023, and attend a remote prehearing conference on February 3, 2023. The ALJ memorialized these decisions in Decision No. R23-0031-I that issued on January 13, 2023.

14. On January 27, 2023, the parties filed the Second Status Report in which they stated that they had not resolved their differences over the purported settlement agreement.

15. As a result, the remote prehearing conference took place on February 3, 2023. At that remote prehearing conference, the parties stated that they still had not resolved their disagreements. As a result, the ALJ scheduled the continued hearing for May 10-11, 2023, in Steamboat Springs.

B. Continued In-Person Hearing

16. The continued in-person hearing is scheduled for May 10-11, 2023, at the location in Steamboat Springs noted below.

II. ORDER

A. It Is Ordered That:

1. The continued in-person hearing is scheduled as follows:

DATE: May 10 and 11, 2023

TIME: 9:00 a.m. daily

LOCATION: Board of County Commissioners Hearing Room
Third Floor
522 Lincoln Ave.
Steamboat Springs, CO 80487

2. This Decision shall be 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, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director