

Decision No. R23-0353-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0150CP-EXT

IN THE MATTER OF THE APPLICATION OF MOUNTAIN TAXI, LLC FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55979.

PROCEEDING NO. 23A-0152CP-EXT

IN THE MATTER OF THE APPLICATION OF MOUNTAIN TAXI, LLC FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55979.

PROCEEDING NO. 23A-0159CP-EXT

IN THE MATTER OF THE APPLICATION OF MOUNTAIN TAXI, LLC FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55979.

PROCEEDING NO. 23A-0160CP-EXT

IN THE MATTER OF THE APPLICATION OF MOUNTAIN TAXI, LLC FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55979.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
CONSOLIDATING PROCEEDINGS, REQUIRING
FILINGS, AND SCHEDULING PREHEARING
CONFERENCE**

Mailed Date: May 25, 2023

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I. STATEMENT, SUMMARY AND BACKGROUND

A. Summary

1. For the reasons discussed below, this Decision consolidates Proceeding Nos. 23A-0150CP-EXT, 23A-0152CP-EXT, 23A-0159CP-EXT and 23A-0160CP-EXT; designates Proceeding No. 23A-150CP-EXT as the primary Proceeding in which all future filings must be made; authorizes Mountain Taxi LLC (Mountain Taxi or Applicant) to be represented by non-attorney Taylor Brown in this Consolidated Proceeding; requires Hy-Mountain Transportation Inc., doing business as High Mountain Taxi (High Mountain) and Wilson Peak Limo LLC, doing business as Mountain Limo (Wilson Peak) to file their valid Commission-issued Letters of Authority by the established deadline; schedules a remote prehearing conference; and requires the parties to confer with each other prior to the prehearing conference on the matters that will be addressed during the prehearing conference.

B. Procedural History

2. On March 30, 2023, Mountain Taxi initiated Proceeding Nos. 23A-0150CP-EXT and 23A-0152CP-EXT by filing the above-captioned Applications. In both Applications, Mountain Taxi seeks to extend operations under its existing Certificate of Public Convenience and Necessity (CPCN) No. 55979. Specifically, in 23A-0150CP-EXT, Mountain Taxi seeks to extend operations to allow it to transport passengers in call-and-demand taxi service between all points in Montrose and Ouray Counties, Colorado. And, in 23A-0152CP-EXT, Applicant seeks to extend operations to allow it to transport passengers in call-and-demand taxi service between all points in Garfield and Pitkin Counties, Colorado

3. On March 31, 2023, Mountain Taxi initiated Proceeding Nos. 23A-0159CP-EXT and 23A-0160CP-EXT by filing the above-captioned Applications. Like the first two Applications, both of these Applications seek to extend operations under Mountain Taxi's existing CPCN No. 55979. Specifically, in 23A-0159CP-EXT, Mountain Taxi seeks to extend operations to allow it to transport passengers in call-and-demand taxi service between all points in Eagle and San Miguel Counties, Colorado. And, in 23A-0160CP-EXT, Applicant seeks to extend operations to allow it to transport passengers in call-and-demand taxi service between all points in La Plata and Mesa Counties, Colorado

4. The Commission provided public notice of all four of the above Applications on April 10, 2023, and established a 30-day intervention period.

5. On April 11, 2023, Applicant submitted a filing in each of the above four Proceedings requesting that it be permitted to be represented by non-attorney Taylor Brown in each case (April 11, 2023 Filings).

6. On April 26, 2023, High Mountain filed a Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance of High Mountain Taxi, and Request for Hearing (High Mountain's Intervention) in Proceeding No. 23A-0152CP-EXT.

7. On May 1, 2023, Tazco, Inc., doing business as Sunshine Taxi (Sunshine) filed a Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance of Tazco Inc., and Request for Hearing (Sunshine's Intervention) in Proceeding No. 23A-0160CP-EXT.

8. On May 2, 2023, Wilson Peak filed Motions to Permissively Intervene and Request for Hearing in Proceeding Nos. 23A-0150CP-EXT and 23A-0159CP-EXT (collectively, Wilson Peak's Interventions).

9. On May 17, 2023, the Commission deemed all four of the above-referenced Applications complete and referred all four of the above-referenced Proceedings to an Administrative Law Judge (ALJ) for disposition by minute entry.

II. RELEVANT LAW, FINDINGS, ANALYSIS AND CONCLUSIONS

A. Consolidation

10. On its own motion or a party's, the Commission may consolidate proceedings where the issues are substantially similar, and the parties' rights will not be prejudiced.¹

11. The regulated monopoly doctrine applies to all four of the above-referenced Applications to extend operating authority.² Under that doctrine, an applicant must show: (1) that the present or future public convenience and necessity requires or will require the service proposed

¹ Rule 1402 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

² See *Yellow Cab Cooperative Association v. Public Util's Comm'n*, 869 P.2d 545, 548 (Colo. 1994); *Rocky Mountain Airways v. P.U.C.*, 181 Colo. 170, 509 P.2d 804, 807 (1973). See e.g., Decision No. R14-1023 (mailed August 22, 2014) in Proceeding No. 13A-1186CP-EXT; Decision No. R13-0441 (mailed April 16, 2013) in Proceeding No. 12A-1090CP and Decision No. R13-0370, (mailed March 28, 2013 in Proceeding No. 12A-1185CP.

(i.e., public need for the service); (2) that granting the authority is in the public interest; and (3) that the existing service in the proposed service area is substantially inadequate.³ In addition, an applicant must also establish that it is financially, operationally, and managerially fit to provide the proposed service.⁴

12. In all four above-referenced Proceedings, Mountain Taxi seeks to extend operations under its existing CPCN No. 55979 to additional service territories.⁵ The existing authority allows for transportation of passengers in call-and-demand taxi service between all points in Delta County, State of Colorado. The four Applications seek to add to this service territory by extending operations to allow for call-and demand taxi service between all points in the following Colorado Counties: Montrose and Ouray (No. 23A-0150CP-EXT); Garfield and Pitkin (No. 23A-0152CP-EXT); Eagle and San Miguel (No. 23A-0159CP-EXT); and La Plata and Mesa (No. 23A-0160CP-EXT). Thus, combined, the Applications seek to extend operations under CPCN No. 55979 to allow call-and-demand taxi service between all points in Montrose, Ouray, Garfield, Pitkin, Eagle, San Miguel, La Plata and Mesa Counties, Colorado.

13. The ALJ finds that there is a significant overlap between the four Application Proceedings given that they each seek to extend operations under the same CPCN. What is more, in each of the four Proceedings, the same legal standards apply.⁶ For example, to meet its burden, Applicant must establish that it is financially, operationally, and managerially fit to provide the proposed service, and must make the necessary evidentiary showings under the regulated

³ § 40-10.1-201(1), C.R.S.; Rule 6203(a)(XVII), of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. See *Yellow Cab Cooperative Association*, 869 P.2d at 548; *Ephraim v. Pub. Utils. Comm'n*, 380 P.2d 228, 230 (Colo. 1968).

⁴ Rule 6203(a)(XI), 4 CCR 723-6.

⁵ See Applications filed on March 30, 2023 in Proceeding Nos. 23A-0150CP-EXT and 23A-00152CP-EXT and Applications Filed on March 31, 2023 in Proceeding Nos. 23A-0159CP-EXT and 23A-0160CP-EXT. See *supra*, ¶¶ 2-3.

⁶ See *supra*, ¶ 11.

monopoly doctrine.⁷ Given the nature of this showing and the service territory extensions that the Applications seek, the ALJ anticipates a significant overlap in the evidence that may be presented to meet the fitness-related requirements in each Proceeding.⁸ Based on the foregoing, the ALJ concludes that the issues in the four Proceedings are substantially similar. There is no reason to believe that consolidating these Proceedings will prejudice any party; indeed, consolidation, particularly at this early stage, will promote economy and more efficient use of resources. For the reasons and authorities discussed, the ALJ finds that consolidation is appropriate, and will consolidate the referenced four Proceedings.⁹

14. Any entity given party status in one of the Proceedings will be given party status in the Consolidated Proceeding. All filings in this Consolidated Proceeding must be served upon all parties to this Consolidated Proceeding, which includes, for now, all those who have filed requests to intervene in each of the Proceedings that have been consolidated.¹⁰

B. Representation in Commission Proceedings

15. Generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.¹¹ However, an individual may appear without an attorney on behalf of a company after showing eligibility.¹² To do so, the company must not have more than three owners; the amount in controversy may not exceed \$15,000; and the non-attorney

⁷ § 40-10.1-201(1), C.R.S.; Rule 6203(a)(XI) and (XVII), 4 CCR 723-6. *See Yellow Cab Cooperative Association*, 869 P.2d at 548; *Ephraim v. Pub. Utils. Comm'n*, 380 P.2d 228, 230 (Colo. 1968).

⁸ The ALJ acknowledges the likelihood that not all of the evidence in each Proceeding will be the same or overlapping. Evidence pertaining to the regulated monopoly doctrine will require Applicant to meet each of the regulated monopoly elements discussed in paragraph 11 for each proposed service territory, which may involve different facts. Nonetheless, there are enough issues that overlap to warrant consolidating the Proceedings.

⁹ Rule 1402 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

¹⁰ *See* Rule 1205, 4 CCR 723-1.

¹¹ Rule 1201(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

¹² § 13-1-127, C.R.S.; Rule 1201(b)(II), 4 CCR 723-1.

individual seeking to represent the company must provide the Commission with satisfactory evidence establishing their authority to represent the company in the proceeding.¹³ It is presumed that a corporation's officers, a partnership's partners, a limited partnership's members, and persons authorized to manage a limited liability company have authority to represent the company in the proceeding.¹⁴

16. In its April 11, 2023 filings in each of the four Proceedings, Mountain Taxi requests that non-attorney Taylor Brown permitted to represent it.¹⁵ Those filings state that Taylor Brown is Mountain Taxi's Mountain Taxi's Chief Operating Officer, (CEO); that Mountain Taxi has no more than three owners; and that the amount at issue in each of the four Proceedings is less than \$15,000. Based on this, and the information in Mountain Taxi's April 11, 2023 filings, the ALJ concludes that Mountain Taxi has established that it may be represented by non-attorney Taylor Brown in this Consolidated Proceeding, consistent with § 13-1-127, C.R.S., and Rule 1201(b)(II), 4 CCR 723-1. As such, Mountain Taxi is authorized to be represented by Taylor Brown in this Consolidated Proceeding.¹⁶

C. Interventions

17. Two classes of parties may intervene in transportation application proceedings: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).¹⁷ To intervene of right, a carrier's intervention must: state

¹³ § 13-1-127(2) and (2.3)(c), C.R.S.; Rule 1201(b)(II), 4 CCR 723-1.

¹⁴ § 13-1-127(2) and (2.3)(c), C.R.S.

¹⁵ April 11, 2023 Filings in Proceeding Nos. 23A-0150CP-EXT; 23A-0152CP-EXT; 23A-0159CP-EXT; and 23A-0160CP-EXT.

¹⁶ All the other entities who filed Interventions in the Consolidated Proceeding are represented by counsel. As such, their representation is not at issue.

¹⁷ Rule 1401(b), (c) and (f) 4 CCR 723-1. *See* § 40-6-109(a), C.R.S.; and *RAM Broadcasting of Colo. Inc., v. Public Utilities Comm'n*, 702 P.2d 746, 749 (Colo. 1985).

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.¹⁸ A carrier's letter of authority provides the basis for the legally protected right which an intervener claims may be impacted by the proceeding. Thus, when determining whether an intervention of right is appropriate, it is important to determine whether the intervener'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.

18. 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.¹⁹

19. High Mountain's Intervention in Proceeding No. 23A-0152CP-EXT asserts that it is entitled to intervene of right because its authority allows it to provide taxi service between all points within a 10-mile radius of the intersection of Colorado Highway 82 and Interstate 70 in Glenwood Springs, Colorado and between said points, to all points in the state; and between all points within a 20-mile radius of exit 90 on Interstate 70 and between said points, to all points within the state.²⁰ Since the Application in Proceeding No. 23A-0152CP-EXT seeks to provide taxi

¹⁸ Rule 1401(b) and (f)(I), 4 CCR 723-1.

¹⁹ Rule 1401(c), 4 CCR 723-1.

²⁰ High Mountain's Intervention at 2.

service in Garfield and Pitkin Counties, High Mountain argues that the proposed authority overlaps with its authority. High Mountain argues that if the Application is granted, it will be harmed by the diversion of passengers and revenue; that it is ready, willing and able to serve additional passengers; and that it has a tangible and financial interest in the Application.²¹

20. High Mountain does not provide a copy of a Commission-issued Letter of Authority identifying it as the owner of an authority, contrary to Rule 1401(f)(I), 4 CCR 723-1. Instead, High Mountain provides a copy of CPCN No. 55723 issued to Jerry's Valley Taxi LLC, doing business as Valley Taxi of Glenwood Springs LLC and or Valley Taxi (Jerry's Valley), along with a footnote stating that Jerry Valley's CPCN No. 55723 was transferred to it in Proceeding No. 22A-0550CP-XFER.²² High Mountain did not provide a copy of any Commission decision transferring Jerry Valley's CPCN to it, nor did it provide any explanation for its failure to include a copy of its Commission-issued authority.²³

21. In all other respects, High Mountain's Intervention meets the Commission's requirements to intervene of right under Rule 1401(f), 4 CCR 723-1. Given this, the ALJ will give High Mountain an opportunity to file a copy of its Commission-issued Letter of Authority by the established deadline. If it fails to do so, High Mountain's Intervention will be rejected, and it will not be made a party.

22. Sunshine's Intervention explains that it is entitled to intervene of right because its authority, CPCN No. 19429 (attached to the Intervention), allows it to transport passengers in taxi,

²¹ High Mountain's Intervention at 2.

²² High Mountain's Intervention at 1, fn. 1; Exhibit A to High Mountain's Intervention.

²³ Such a Decision would at least confirm that the Commission did transfer the authority, but even that would not establish that High Mountain's authority is valid and in good standing. Indeed, when the Commission grants or transfers an authority, it invariably places conditions that must be met before the authority is active and in good standing. The Letter of Authority only issues after a carrier has met those conditions; this is yet another reason why providing a copy of a Letter of Authority is a key component to establishing that an entity may intervene of right per Rule 1401(f), 4 CCR 723-1.

charter and call-and-demand limousine service between all points in Mesa County and between Mesa County and all points in the state; and in sightseeing service between all points in Mesa and Delta Counties, Colorado.²⁴ Because the Application in Proceeding No. 23A-0160CP-EXT seeks to extend operations to Mesa County and the rest of the state, Sunshine submits that its authority overlaps with the authority sought in Proceeding No. 23A-0160CP-EXT. Sunshine also argues that if the Application is granted, it will be harmed by the diversion of passengers and revenue; that it is ready, willing and able to serve additional passengers; and that it has a tangible and financial interest in the Application.²⁵ Based on all of this, Sunshine’s Intervention, and its authority (included as Exhibit A to Sunshine’s Intervention), the ALJ concludes that Sunshine has properly intervened as of right in Proceeding No. 23A-0160CP-EXT. As such, Sunshine is acknowledged as an intervener in this Consolidated Proceeding.

23. Wilson Peak filed identical Interventions in Proceeding Nos. 23A-0150CP-EXT and 23A-0159CP-EXT, which are addressed together. Wilson Peak’s Interventions allege that it owns Commission-issued common carrier certificate number 47426 (along with several other non-common carrier permits).²⁶ Wilson Peak asserts that this common carrier permit authorizes it to provide taxi, scheduled, and call-and-demand charter service in San Miguel and Montrose Counties.²⁷ Since the Application in Proceeding No. 23A-0150CP-EXT seeks to serve Montrose County, Wilson Peak argues that its authority overlaps and conflicts with the authority sought in that Proceeding.²⁸ Similarly, since the Application in Proceeding No. 23A-0158CP-EXT seeks to

²⁴ Sunshine’s Intervention at 2-3; Exhibit A to Sunshine’s Intervention.

²⁵ Sunshine’s Intervention at 2.

²⁶ Wilson Peak’s Intervention in 23A-0150CP-EXT at 1-2; Wilson Peak’s Intervention in 23A-0159CP-EXT at 1-2.

²⁷ Wilson Peak’s Intervention in 23A-0150CP-EXT at 2; Wilson Peak’s Intervention in 23A-0159CP-EXT at 2.

²⁸ Wilson Peak’s Intervention in 23A-0150CP-EXT at 2.

serve San Miguel County, Wilson Peak argues that its authority overlaps and conflicts with the authority sought in that Proceeding.²⁹ Wilson Peak argues that based on both Applications' scope, that both Proceedings will have a direct and substantial impact on its interests; that it has tangible and pecuniary interest in both Proceedings; and that it has a legally protected interest in both Proceedings.³⁰ While Wilson Peak asserts that its common carrier permit is in good standing, it failed to provide a copy of it.

24. Although Wilson Peak's Interventions are styled as requests to permissively intervene, the Interventions track with interventions of right under Rule 1401(f). Under Rule 1401(f)(I), 4 CCR 723-1, a party seeking to intervene of right must include a copy of its Letter of Authority. In any event, Wilson Peak's grounds to permissively intervene are based on its common carrier permit, which it did not provide.³¹ As such, whether construed as a request to permissively intervene or an intervention of right, Wilson Peak's Letter of Authority is integral to any determination as to its Intervention.

25. In all other respects, Wilson Peak's Interventions meet the Commission's requirements to intervene of right under Rule 1401(f), 4 CCR 723-1. And, its Letter of Authority would have also established that it may permissively intervene under Rule 1401(c), 4 CCR 723-1. Given this, the ALJ will give Wilson Peak an opportunity to file a copy of its Commission-Issued

²⁹ Wilson Peak's Intervention in 23A-0159CP-EXT at 2.

³⁰ Wilson Peak's Intervention in 23A-0150CP-EXT at 2; Wilson Peak's Intervention in 23A-0159CP-EXT at 2.

³¹ Wilson Peak also states that it has contract carrier and luxury limousine permits. Wilson Peak's Intervention in 23A-0150CP-EXT at 1-2; Wilson Peak's Intervention in 23A-0159CP-EXT at 1-2. The ALJ is unaware of any circumstance under which the Commission has granted permissive intervention status based on an intervener holding these types of non-common carrier permits. As such, to the extent that Wilson Peak argues that its non-common carrier permits establish that it may permissively intervene, the ALJ rejects this argument. In doing so, the ALJ does not break new ground.

Letter of Authority by the established deadline. If it fails to do so, both of Wilson Peak's Interventions will be rejected and it will not be a party.

D. Remote Prehearing Conference

26. The ALJ is scheduling a remote prehearing conference per Rule 1409(a), 4 CCR 723-1. Before the prehearing conference, the parties must confer with each other on the issues that will be addressed during the prehearing conference and must be prepared to address those issues during the prehearing conference. For purposes of this conferral and the prehearing conference, all entities who have filed Interventions are considered parties. At minimum, the parties must confer on all issues discussed below.

27. At the prehearing conference, an evidentiary hearing will be scheduled, and related procedural deadlines will be established (e.g., deadlines to file exhibits, exhibit lists, and witness lists). During the prehearing conference, the ALJ will address the manner or location in which the hearing will be held, that is, in-person, remote, or hybrid. In-person hearings require all parties, witnesses, and the ALJ to appear in person at a Commission hearing room located in downtown Denver or a designated location, consistent with the parties' request.³² Remote hearings require all parties, witnesses, and the ALJ to appear remotely via Zoom. And hybrid hearings allow parties and witnesses to appear in person or remotely by Zoom and require the ALJ to appear in person at a Commission hearing room in Denver, Colorado. Due to technical limitations on hybrid hearings,

³² In proceedings such as these, it is the Commission's practice to honor an applicant's request, if any, to hold the hearing in-person at a location other than Denver when the majority of the witnesses and parties are not located in the Denver metro area. For example, the Commission has held evidentiary hearings in Grand Junction, Estes Park, Steamboat Springs, and Silverton. Here, Mountain Taxi has requested that the hearing be held in Delta County, Colorado. However, given the nature of the four Applications at issue, none of which seek to extend operations to serve Delta County, it seems unlikely that the majority of the parties and witnesses will be located in Delta County. The parties must confer on this issue specifically prior to the prehearing conference. Scheduling a hearing in a location other than a Commission hearing room can also cause delay in confirming hearing dates, as a location cannot be established until the dates have been identified.

there is no flexibility for those appearing in person to appear anywhere other than a Commission hearing room in Denver. The parties must confer on the location or manner in which the hearing will be held and be prepared to address this during the prehearing conference. The ALJ strongly encourages the parties to reach an agreement as to this issue.

28. When conferring on a hearing date, the parties should discuss the appropriate number of days for the hearing, and plan on a hearing being held no later than September 19, 2023. The parties are urged to review the Commission's public calendar to identify and clear with each other and witnesses numerous potential hearing dates. Several dates are especially necessary if the parties request that the hearing be held in person in a remote location, as the ALJ cannot secure such a location until after the prehearing conference, and options may be limited.

29. Other issues relevant to this Consolidated Proceeding may be raised or addressed at the prehearing conference, including whether the parties have agreed to discovery procedures that are inconsistent with the Commission's discovery rules; whether those required to make filings by this Decision have complied; and whether those filings establish that such entities have properly intervened.

30. Participants will appear at the prehearing conference from remote locations by video conference and may not appear in person for the prehearing conference. The remote prehearing conference will be held using the web-hosted service, Zoom.³³ Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

³³ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All parties are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

31. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

32. All parties are on notice that failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, dismissing interventions, and dismissing or granting the Applications. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference, including the hearing location or manner, the hearing dates and the procedural schedule established during the prehearing conference.

33. **All parties are advised** the Commission's Rules of Practice and Procedure, 4 CCR 723-1, and the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 apply to this Consolidated Proceeding. The ALJ expects the parties to familiarize themselves and comply with these Rules, which are available on the Commission's website at <https://puc.colorado.gov/pucrules>.

III. **ORDER**

A. **It Is Ordered That:**

1. Proceedings No. 23A-0150CP-EXT, 23A-0152CP-EXT, 23A-0159CP-EXT, and 23A-0160CP-EXT are consolidated for all purposes.

2. All future filings in this Consolidated Proceeding must be made in the primary docket, which is Proceeding No. 23A-0150CP-EXT. No one may make filings in the other proceedings that have been consolidated with the primary docket. The ALJ waives the filing

requirements in Rule 1204 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, to the extent necessary to meet this requirement.

3. In all future filings, the proceeding numbers and captions in this Consolidated Proceeding must be listed as shown on page one of this Decision. The primary proceeding number (Proceeding No. 23A-0150CP-EXT) and its caption must be listed first.

4. Anyone who is a party to one of the Proceedings that are consolidated here is also a party to the Consolidated Proceeding. All such persons or entities must be served with any filing made in this Consolidated Proceeding. The parties must modify their certificates of service accordingly.

5. Mountain Taxi LLC may be represented by non-attorney, Taylor Brown in this Consolidated Proceeding.

6. Consistent with the above discussion, Tazco, Inc., doing business as Sunshine Taxi is a party to this Consolidated Proceeding, having properly intervened as of right.

7. Consistent with the above discussion, **by 5:00 p.m. on June 1, 2023**, Hy-Mountain Transportation Inc., doing business as High Mountain Taxi (High Mountain) and Wilson Peak Limo LLC, doing business as Mountain Limo (Wilson Peak) must each file a copy of their valid Commission-issued Letter of Authority. If High Mountain or Wilson Peak fail to make the above filings by the established deadline without establishing good cause as to why they cannot make the filings, their Interventions will be dismissed, and they will not be parties to this Consolidated Proceeding.

8. A prehearing conference in this Consolidated Proceeding is scheduled as follows:
- DATE: June 8, 2023
- TIME: 1:00 p.m.
- METHOD: Join by video conference using Zoom
9. All participants in the hearing must follow the instructions in Attachment A (instructions for using Zoom) to this Decision.
10. Nobody may appear in-person for the remote prehearing conference.
11. The parties must confer with each other prior to the prehearing conference consistent with the above discussion.
12. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director