

Decision No. R23-0197-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0565CP

IN THE MATTER OF THE APPLICATION OF JASON STEINBERG DOING BUSINESS AS STEAMBOAT TAXI FOR PERMANENT AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55853.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
REQUIRING FILING ADDRESSING INTERVENTION,
AND PROVIDING OPPORTUNITY TO FILE A
STATEMENT ADDRESSING THE PREFERENCE FOR A
REMOTE, HYBRID, OR IN-PERSON HEARING**

Mailed Date: March 23, 2023

I. STATEMENT

A. Background

1. On December 21, 2022, Jason Steinberg, doing business as Steamboat Taxi (Steamboat Taxi) filed the application described in the caption above (Application). Steamboat Taxi seeks: “authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service between all points in Routt County, State of Colorado.”

2. On December 27, 2022, the Commission issued public notice of the authority sought by Steamboat Taxi in the Application.

3. On January 23, 2023, Alpine Taxi/Limo, Inc. d/b/a Alpine and/or Go Alpine (Go Alpine) filed a Notice of Intervention by Right, Alternative Motion to Intervene and Request for

Hearing (Intervention). Go Alpine stated that it owns, and operates pursuant to, Certificate of Public Convenience and Authority (CPCN) No. 26246, a copy of which it attached to its Intervention.

4. On January 24, 2023, NDW Enterprises LLC, doing business as Ski Town Transportation (Ski Town) filed a Petition to Intervene (Petition). Ski Town states that it owns and operates pursuant to: (a) Luxury Limousine Permit No. LL-03502; and (b) temporary common carrier authority granted in Proceeding No. 22A-0131CP-TA, that “has been extended indefinitely pending resolution of” Ski Town’s request in Proceeding No. 22A-0132CP, to make the temporary authority permanent.¹

5. On February 1, 2023, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge. The proceeding was subsequently assigned to the undersigned ALJ.

B. Representation

6. Jason Steinberg signed the Application on behalf of Steamboat Taxi and seeks to represent Steamboat Taxi in this proceeding. Specifically, Mr. Steinberg indicated in the Application that he seeks “to represent his own interests as the sole proprietor of his own business.”² The Application states that Steamboat Taxi is a sole proprietorship, not a corporation, partnership, or limited liability corporation. As a result, Mr. Steinberg will be permitted to represent his own interests in this proceeding.

¹ Petition at 2.

² Application at 7.

C. Ski Town's Intervention

7. Although not entirely clear, it appears that the basis for Ski Town's Intervention is: (a) luxury limousine permit number LL-03502; and (b) temporary common carrier authority granted by the Commission in Proceeding No. 22A-0131CP-TA that "has been extended indefinitely pending resolution of" Ski Town's request in Proceeding No. 22A-0132CP to make the temporary authority permanent. However, while Ski Town attached Commission Decision No. C22-0169 that granted the temporary authority to its Petition, it did not attach luxury limousine permit number LL-03502.

8. The ALJ will require Ski Town to file and serve a pleading stating whether it is relying on luxury limousine permit LL-03502 as the basis, in whole or in part, for its request to intervene in this proceeding. If Ski Town is so relying, then Ski Town will be required to attach permit LL-03502 to its pleading and identify in the pleading identifying the specific parts of permit LL-03502 that it contends are in conflict with the authority sought in the Application. The deadline for the filing of the pleading referenced above will be March 31, 2023.

D. Hearing

9. Steamboat Taxi has requested that the hearing take place in Steamboat Springs, which the ALJ construes as a request for an **in-person** hearing in Steamboat Springs. In their interventions, neither Go Alpine nor Ski Town address the location or the method of conducting the hearing.

10. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party

and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

11. Go Alpine and Ski Town will be given the opportunity to file a Statement Regarding Hearing identifying the filer's preference for an in-person, remote, or hybrid hearing. If a filer prefers an in-person hearing, the filer must identify its preferred location and provide an explanation of why the hearing should be conducted at the filer's preferred location. Any additional information supporting a request for a particular method of conducting the hearing (*e.g.*, remote, hybrid, or in-person) can be included in a Statement Regarding Hearing.

12. The deadline for the filing of the Statements Regarding Hearing will be March 31, 2023. The parties are on notice that the ALJ will retain discretion to change the method by which the hearing will be conducted (*e.g.*, remote, hybrid, or in-person) and/or the location of the hearing.

E. Additional Advisements

13. 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. The rules are available on the Commission's website (puc.colorado.gov/pucrules) and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. No later than 5:00 p.m. on March 31, 2023, NDW Enterprises LLC, doing business as Ski Town Transportation (Ski Town) must file and serve the pleading described above addressing the basis for its request to intervene in this proceeding.

2. The deadline to file any Statement Regarding Hearing containing the information described above is 5:00 p.m. on March 31, 2023.

3. This Decision is 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 black ink, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director