

Decision No. R23-0468-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0335CP

IN THE MATTER OF THE APPLICATION OF TIPSY VELO LLC, DOING BUSINESS AS TIPSY VOYAGE, 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
AVIV SEGEV
WAIVING RESPONSE TIME, VACATING
EVIDENTIARY HEARING, AND SCHEDULING
PREHEARING CONFERENCE**

Mailed Date: July 20, 2023

I. STATEMENT

A. Procedural Background

1. On July 21, 2022, Topsy Velo, LLC, d/b/a Topsy Voyage (Applicant) filed with the Commission its Permanent Authority Application (Application), through which Applicant seeks a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier by motor vehicle for hire. This filing commenced Proceeding No. 22A-0335CP.

2. On July 25, 2022, the Commission issued a Notice of Applications and Petitions Filed (Notice). The Notice gave notice of the Application, set procedural deadlines, and established a 30-day intervention period.

3. On August 22, 2022, Absolute Prestige Limousine II LLC (Intervenor) timely noticed its intervention of right by filing its Entry of Appearance, Intervention, Letter of Authority, and Legal Representation for Absolute Prestige Limousine II, LLC (Intervention).

4. On August 31, 2022, the Commission, via minute entry, deemed the Application complete and referred Proceeding No. 22A-0335CP to an Administrative Law Judge (ALJ) for disposition.

5. On March 21, 2023, Applicant filed its Notice, wherein it waived the applicable statutory period for a Commission decision.

6. By Decision No. R23-0407-I, issued June 14, 2023, the ALJ scheduled an evidentiary hearing in this matter for July 21, 2023.

7. On July 6, 2023, Intervenor Absolute's Motion for Continuance (Motion for Continuance) was filed by Intervenor. Intervenor seeks a continuance of the hearing scheduled for July 21, 2023, based on the medical circumstances of Intervenor's representative. In the Motion for Continuance, Intervenor does not specify a new requested hearing date.

8. On July 14, 2023, Applicant's Response to Motion to Continue Filed on Behalf of Intervenor Absolute Prestige Limousine II LLC (Response to Motion to Continue) was filed by Applicant. In the Response to Motion to Continue, Applicant states that it has no objection to the continuance of the hearing sought by Intervenor and requests that a prehearing conference be held in the first week of August 2023 "to set a new hearing date and to establish new pre-filing deadlines."¹ The Response to Motion to Continue is construed herein as Applicant's motion requesting a prehearing conference (hereinafter, Motion Requesting a Prehearing Conference).

B. Motion to Continue and Motion Requesting a Prehearing Conference

9. It is found that Intervenor stated good cause for the continuance of the evidentiary hearing scheduled for July 21, 2023. Therefore, Intervenor's unopposed request for a continuance

of the evidentiary hearing in this matter will be granted and the evidentiary hearing previously scheduled for July 21, 2023, will be vacated, as ordered below.

10. No harm will come to Intervenor by granting the relief sought by the Applicant in the Motion Requesting a Prehearing Conference. Therefore, response time to the Motion Requesting a Prehearing Conference will be waived, *sua sponte*, as ordered below.

11. A prehearing conference in this matter is necessary in order to set a new hearing date and determine related prehearing filing deadlines. Therefore, the ALJ will grant the Motion Requesting a Prehearing Conference and schedule a prehearing conference in this matter, as ordered below.

C. Prehearing Conference

12. Consistent with the above, the undersigned ALJ will reschedule a remote prehearing conference, in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. The remote prehearing conference will be conducted over the Zoom videoconferencing platform. A Commission staff member will email the parties the log-in information in advance of the prehearing conference.

13. The parties shall confer, in advance of the remote prehearing conference, regarding a new proposed hearing date and related prehearing filing deadlines.

14. The parties are urged to review the Commission's public calendar to identify suitable days for the hearing in this proceeding and propose more than one date for the hearing.

15. Failure to attend or to participate in the remote prehearing conference may be construed as a waiver of any objection to the rulings made, the procedural schedule established, and the hearing date scheduled, during the remote prehearing conference.

II. ORDER

A. It Is Ordered That:

1. Intervenor Absolute’s Motion for Continuance (Motion for Continuance), filed July 6, 2023 by Absolute Prestige Limousine II LLC’s (Intervenor) is granted.
2. The evidentiary hearing scheduled for July 21, 2023, at 9:00 a.m. is vacated.
3. Applicant’s Response to Motion to Continue Filed on Behalf of Intervenor Absolute Prestige Limousine II LLC, filed by Applicant on July 14, 2023, is construed as Applicant’s motion requesting a prehearing conference (Motion Requesting a Prehearing Conference).
4. The Motion Requesting a Prehearing Conference is granted.
5. A prehearing conference in this proceeding is scheduled as follows:

DATE: August 3, 2023

TIME: 9:30 a.m.

WEBCAST: Hearing Room B

METHOD: Join by video conference using Zoom at the link to be provided in an email from a Commission staff member.²

² 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>.

6. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director