

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0514CP-EXT

IN THE MATTER OF THE APPLICATION OF MEDRIDE, LLC FOR AUTHORITY TO
EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY NO. 55980.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
REQUIRING FILINGS, ADDRESSING LEGAL
REPRESENTATION, AND SCHEDULING REMOTE
PREHEARING CONFERENCE**

Mailed Date: January 16, 2024

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I. STATEMENT AND PROCEDURAL HISTORY

A. Summary

1. This Decision addresses interventions and representation before the Commission, and schedules a remote prehearing conference for Tuesday, January 30, 2024, at 10:30 a.m. to move this matter forward.

B. Procedural History

2. On October 19, 2023, MedRide, LLC (MedRide or Applicant) initiated this matter by filing an Application for Permanent Authority to Extend Operations Under Certificate of Public Convenience and Necessity (CPCN) No. 55980 (Extension Application), granted by Decision No. C22-0555, issued December 19, 2022, in Proceeding No. 22A-0318CP. MedRide seeks to expand its business by providing call-and-demand shuttle service from the Denver metro area (from the Counties of Adams, Arapahoe, Park, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld) to points throughout the State of Colorado.¹

3. MedRide was issued its Letter of Authority to operate out of El Paso County by Decision No. C22-0555, issued September 20, 2022, in Proceeding No. 22A-0318CP.²

4. By Decision No. C23-0458, issued July 17, 2023, in Proceeding No. 23A-0239CP-EXT, MedRide's authority was extended to include service originating in Pueblo County.

5. MedRide currently holds CPCN No. 55980, under which Letter of Authority it is authorized to provide the following services:

¹ Application for Permanent Authority to Extend Operations under CPCN No. 55980, filed Oct. 19, 2023.

² See Proceeding No. 23A-0347CP-EXZT, filed June 29, 2023.

- (I) Transportation of passengers, in call-and-demand shuttle service between all points in El Paso County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.
- (II) Transportation of passengers, in call-and-demand shuttle service between all points in Pueblo County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

6. Concurrently pending before the Commission is MedRide’s Extension Application seeking to expand its services into Mesa County, in Proceeding No. 23A-0347CP-EXT.

7. MedRide’s current Extension Application was signed and submitted by its Vice President of Business Development, Tyler Borzileri. The Application indicated that MedRide will be represented in this Proceeding by Lenora Plimpton of Fortis Law Partners. On November 2, 2023, Henry M. Baskerville of Fortis Law Partners, LLC, entered his appearance on MedRide’s behalf.

8. On October 23, 2023, the Public Utilities Commission (the Commission) provided public notice under § 40-6-108(2), C.R.S., of the Application. As noticed, the Application seeks:

An order of the Commission authorizing the extension of Certificate of Public Convenience and Necessity (CPCN) No. 55980.

The proposed extension of operations under CPCN No. 55980 is as follows:

Transportation of passengers in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, Park, and Weld, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.³

9. On October 30, 2023, Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer Tours), filed its Petition for Intervention and Entry of Appearance. Its Intervention was submitted by its President and Owner, Roman Lysenko.

10. Subsequently, on November 22, 2023, several entities represented by Mark Valentine of Keyes & Fox, LLP, filed a joint Notice of Intervention by Right, Alternative Motion

³ Notice of Application and Petitions Filed, p. 2, filed July 10, 2023.

for Intervention, Entry of Appearance, and Request for Hearing. The entities jointly seeking to intervene are: Alpine Taxi/Limo, Inc.; AEX, Inc.; San Miguel Mountain Ventures (SMMV), LLC; Estes Park Charters, Corp.; and Home James Transportation Services, Ltd. (collectively referred to as the Alpine Intervenors).

11. On November 29, 2023, the Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) by minute entry for disposition. The Proceeding was subsequently assigned to the undersigned ALJ.

II. INTERVENTIONS

12. Six entities have either intervened as of right or moved to permissively intervene in this Proceeding. All filed copies of their respective PUC Letters of Authority with their Interventions thereby meeting one of the criteria for submitting an Intervention as of right. Each entity's Intervention will be addressed in turn.

A. Relevant Law

13. Two classes of parties may intervene in proceedings such as this: 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 and would not otherwise be adequately represented (permissive intervention).⁴

14. To intervene of right, a carrier's intervention must: state 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

⁴ 4 CCR 723-1401(b) and (c) of the Commission's Rules of Practice and Procedure, 4 Code of Colo. Regulations (CCR) 723-1; see also § 40-6-109(a), C.R.S.; and RAM Broad. of Colo. Inc., v. Pub. Utils. Comm'n, 702 P.2d 746, 749 (Colo. 1985) ("This provision creates two classes that may participate in [Commission] proceedings: those who may intervene as of right and those whom the Commission permits to intervene.").

authority that are in conflict with the application; and explain the consequences to the carrier and the public interest if the application is granted.⁵ A carrier's letter of authority provides the basis for the legally protected right which an intervenor claims may be impacted by the proceeding. Thus, it is important to determine whether the intervenor'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.

15. Commission Rule 1401(c) of the Rules of Practice and Procedure, 4 CCR 723-1, requires persons seeking permissive intervention to show the following:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; 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; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant's interests would not otherwise be adequately represented. . . . The Commission will consider these factors in determining whether permissive intervention should be granted. Subjective, policy, or academic interest in a proceeding is not a sufficient basis to intervene. Anyone desiring to respond to the motion for permissive intervention shall have seven days after service of the motion, or such lesser or greater time as the Commission may allow, in which to file a response. The Commission may decide motions to intervene by permission prior to expiration of the notice period.

16. The requirement in Rule 1401(c) requiring persons or entities seeking permissive intervention in a proceeding to demonstrate that their interests "would not otherwise be adequately represented" is similar to Colorado Rule of Civil Procedure 24(a), which provides that even if a party seeking intervention in a case has sufficient interest in the case, intervention is not permitted if the interest is adequately represented by the existing parties. *See Clubhouse at Fairway Pines, L.L.C. v. Fairway Pines Owners Ass'n*, 214 P.3d 451, 457 (Colo. App. 2008). This is true even if the party seeking intervention will be bound by the case's judgment. *See Denver Chapter of the*

⁵ Rule 1401(b) and (f)(I), 4 CCR 723-1.

Colo. Motel Ass'n v. City & Cnty. of Denver, 374 P.2d 494, 495-96 (Colo. 1962) (affirming the denial of an intervention by certain taxpayers because their interests were already represented by the city). The test for adequate representation is whether there is an identity of interests, rather than a disagreement over the discretionary litigation strategy of the representative. The presumption of adequate representation can be overcome by evidence of bad faith, collusion, or negligence on the part of the representative. *Id.*; *Estate of Scott v. Smith*, 577 P.2d 311, 313 (Colo. App. 1978).

B. Discussion, Findings, and Conclusions

1. Explorer Tours

17. Explorer Tours holds PUC No. 55952, which authorizes it to provide “call-and-demand sightseeing service originating in Denver and Boulder Counties” to all points in the Counties of Denver, Boulder, Clear Creek, Douglas, El Paso, Grand, Jefferson, and Larimer.⁶ In addition, Explorer Tours is authorized to provide call-and-demand shuttle service between Denver County on the one hand, and Eagle and Pitkin Counties as well as Red Rocks Park and Amphitheatre on the other hand; and, it may also provide shuttle services within Eagle and Pitkin Counties.⁷

18. In this Proceeding, MedRide seeks authority to provide call-and-demand shuttle services from several Front Range Counties (Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, Park, and Weld) “to points throughout the State of Colorado.”

19. The call-and-demand shuttle service MedRide seeks to provide thus directly overlaps with the service Explorer Tours provides from Denver to Red Rocks, and Eagle and Pitkin

⁶ Explorer Tours’ Letter of Authority, PUC No. 55952, attached to Explorer Tours’ Petition for Intervention and Entry of Appearance, filed Oct. 30, 2023.

⁷ *Id.*

Counties. Explorer Tours has thus demonstrated that it has a legally protected right that may be impacted should MedRide succeed in obtaining an extension of its existing authority and has identified which “parts” of its authority are in conflict with this Extension Application. Explorer Tours also represents in its Intervention that it is in good standing and explains that the public interest will be negatively affected should the Extension Application be granted.

20. MedRide has not objected to Explorer Tours’ intervention.

21. Accordingly, the ALJ acknowledges Explorer Tours’ Intervention as of Right.

2. Alpine Taxi/Limo, Inc.

22. Alpine Taxi possesses PUC CPCN No. 26246. It provides the following services: (1) taxi services in an area of Routt and Moffatt Counties, from a point where Grand, Jackson and Routt Counties intersect, for 5 ½ miles eastward; (2) call-and-demand charter services in Routt and Moffatt Counties and from Routt and Moffatt Counties to points throughout the State; (3) call-and-demand shuttle service in and from Routt County to points throughout the State; (4) call-and-demand shuttle service in and from Moffatt County to points within a 5-mile radius of the intersection of US Highway 40 and State Highway 9, and to points within a 5-mile radius of the intersection of State Highway 131 and the Colorado River; (5) transportation of passengers from Denver International Airport (DIA) to all points within Routt County; and (6) transportation of passengers between Craig, Colorado, and Steamboat Springs, Colorado, including the Yampa Valley Regional Airport.⁸

23. The call-and-demand shuttle service MedRide seeks to provide overlaps with the service Alpine Taxi provides from DIA to Routt County. Alpine Taxi has thus demonstrated that

⁸ Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance of Alpine Taxi/Limo, Inc., AEX Inc., San Miguel Mountain Ventures, LLC, Estes Park Charters, Inc., Home James Transportation Services, Ltd., and Request for Hearing (Alpine Taxi, et al., Notice of Intervention), Exhibit 1, Letter of Authority of Alpine Taxi/Limo, Inc., PUC No. 26246, filed Nov. 22, 2023.

it has a legally-protected right that may be impacted should MedRide succeed in obtaining an extension of its existing authority and has identified which “parts” of its authority are in conflict with this Extension Application. Alpine also represents in its Intervention that it is in good standing, is ready and able to provide transportation services to its customers, and that the public interest will be negatively affected should the Extension Application be granted.⁹

24. MedRide has not objected to Alpine Taxi’s intervention.

25. The ALJ finds and concludes that Alpine Taxi has established its right to intervene.

Accordingly, the ALJ acknowledges Alpine Taxi’s Intervention as of Right.

3. AEX, Inc.

26. AEX, Inc. holds PUC CPCN No. 12750. Its authority is extensive and, in general, includes authority to provide: (1) call-and-demand service of parcels and packages between Crested Butte and Gunnison County Airport; (2) call-and-demand limousine service of passengers and their baggage between Crested Butte and Gunnison County, Montrose, Aspen, Colorado Springs, and Denver; (3) call-and-demand limousine service between Gunnison and Crested Butte on the one hand, and Grand Junction, Montrose, Mount Crested Butte, and the Crested Butte Airport on the other hand; (4) special bus service of passengers and their baggage between Crested Butte and points along State Highway 135 and within a 5-mile radius of the intersection of State Highway 135 and US Highway 50; (5) charter service of passengers and their baggage between Crested Butte and all points in Gunnison County, the Colorado Springs Airport, and DIA; (6) taxi service of passengers and their baggage between Crested Butte and Gunnison County, Denver, Aspen, Colorado Springs, and Montrose; (7) sightseeing service of passengers and their baggage between Crested Butte and Gunnison County, Denver, Aspen,

⁹ *Id.* at ¶¶ 2-9. Pp. 1-2.

Colorado Springs, and Montrose; (8) call-and-demand limousine, charter, taxi, and special bus services between Gunnison County and DIA; and (9) scheduled service between Gunnison and Crested Butte via State Highway 135.¹⁰

27. The call-and-demand shuttle service MedRide seeks to provide overlaps with the service AEX provides from Crested Butte and Gunnison to Denver and Colorado Springs. AEX has thus demonstrated that it has a legally-protected right that may be impacted should MedRide succeed in obtaining an extension of its existing authority and has identified which “parts” of its authority are in conflict with this Extension Application. AEX also represents in its Intervention that it is in good standing, is ready and able to provide transportation services to its customers, and that the public interest will be negatively affected should the Extension Application be granted.¹¹

28. MedRide has not objected to AEX’s intervention.

29. The ALJ finds and concludes that AEX has established its right to intervene. Accordingly, the ALJ acknowledges AEX’s Intervention as of Right.

4. San Miguel Mountain Ventures, LLC

30. San Miguel Mountain Ventures, LLC (SMMV), holds PUC CPCN No. 1648. The Letter of Authority indicates it was issued to San Miguel Mountain Ventures, LLC, Gisdho Shuttle, Inc, doing business as Telluride Express and/or Wild West Tours and/or Montrose Express. Its Letter of Authority, which is also lengthy, authorizes it to provide: (1) taxi service, call-and-demand shuttle service, call-and-demand charter service, and sightseeing service within

¹⁰ *Id.*, Exhibit 2, Letter of Authority of AEX Inc., PUC No. 12750. (Note: AEX’s authority is extensive. Its Letter of Authority comprises three full pages. The above description is an truncated summary of AEX’s authority and should not be considered a complete recitation of its authority. For a more complete understanding of AEX’s authority, please review Exhibit 2 attached to the Notice of Intervention filed by Alpine Taxi, et al.)

¹¹ *Id.* at ¶¶ 2-9. Pp. 1-2.

a 100-mile radius of Telluride, with certain restrictions; (2) taxi service from Montrose to points within a 12-mile radius of Grand Junction; (3) taxi service from Delta, Colorado, to Grand Junction; (4) taxi service, call-and-demand shuttle service, call-and-demand charter service, and sightseeing service from all points within a 10-mile radius of Telluride on the one hand and points throughout the State of Colorado on the other hand, with certain restrictions; (5) call-and-demand shuttle service and call-and-demand charter service between Montrose and Crested Butte; (6) call-and-demand shuttle service between Grand Junction and Powderhorn Ski Resort; (7) call-and-demand charter service from points within a 20-mile radius of Grand Junction to all points within a 100-mile radius of Grand Junction; (8) sightseeing service from all points within a 12-mile radius of Montrose and all points west of the Continental Divide; (9) sightseeing service between Delta and all points west of the Continental Divide; (10) sightseeing service between Mesa County on the one hand and all points in the Counties of Moffatt, Rio Blanco, Garfield, Delta, Montrose, San Miguel, Dolores, Montezuma, La Plata, San Juan, Ouray, and Pitkin on the other hand; and (11) call-and-demand shuttle service between Walker Field in Grand Junction and points within a 100-mile radius of Telluride, excluding points in Pitkin and Gunnison Counties.¹²

Although the services MedRide proposed to offer would originate primarily in the Denver Metro Area, it seeks to transport passengers throughout the State of Colorado. Thus, the call-and-demand shuttle service MedRide seeks to provide Statewide could overlap with the existing services SMMV provides on the Western Slope. SMMV has thus demonstrated that it has a legally protected right that may be impacted should MedRide succeed in obtaining an extension of its

¹² *Id.*, Exhibit 3, Letter of Authority of San Miguel Mountain Ventures LLC (SMMV), PUC No. 1648. (Note: As is evident from the above description, SMMV's authority is extensive. Its Letter of Authority comprises five pages. The above description is a truncated summary of SMMV's authority and should not be considered a complete recitation of its authority. For a more complete understanding of SMMV's authority, please review Exhibit 3 attached to the Notice of Intervention filed by Alpine Taxi, et al.

existing authority, and has identified which “parts” of its authority are in conflict with MedRide’s Extension Application. SMMV also represents in its Intervention that it is in good standing, is ready and able to provide transportation services to its customers, and that the public interest will be negatively affected should the Extension Application be granted.¹³

31. MedRide has not objected to SMMV’s intervention.

32. The ALJ finds and concludes that SMMV has established its right to intervene.

Accordingly, the ALJ acknowledges SMMV’s Intervention as of Right.

5. Estes Park Charters Corp.

33. Estes Park Charters Corp. (Estes Park Charters) holds PUC CPCN No. 54696. Briefly, it is authorized to provide scheduled service between Denver and points in Estes Park, Colorado, which fall within a 12-mile radius of the intersection of US Highways 34 and 36 and within a 12-mile radius of Estes Park, with certain restrictions (for example, it cannot offer service between Denver and Boulder). It is also authorized to provide: (1) call-and-demand sightseeing services and call-and-demand limousine services of passengers and their baggage to all points between Estes Park and a 75-mile radius around Estes Park, as well as points in Boulder County that lie north of State Highway 52; (2) charter service transporting passengers and their baggage between all points within a 12-mile radius of Estes Park; and, (3) charter service transporting passengers and their baggage between Estes Park and all points within a 75-mile radius of the intersection of US Highways 34 and 36, with certain restrictions.¹⁴

¹³ *Id.* at ¶¶ 2-9. Pp. 1-2.

¹⁴ *Id.*, Exhibit 4, Letter of Authority of Estes Park Charters Corp., PUC No. 54696. (Note: Estes Park Charters offers several services in and around Estes Park. However, its Letter of Authority includes detailed restrictions. The above description is merely a summary of Estes Park Charters’ authority and should not be considered a complete recitation of its authority. For a more complete understanding of the extent and restrictions on Estes Park Charters’ authority, please review Exhibit 4 attached to the Notice of Intervention filed by Alpine Taxi, et al.)

34. The call-and-demand shuttle service MedRide seeks to provide overlaps directly with the shuttle and charter services Estes Park Charter provides. Specifically, among the authority MedRide seeks is to offer shuttle service from Denver to Larimer County, in which Estes Park lies. Although Estes Park Charters also offers sightseeing services, a significant portion of its business involves transporting passengers between Denver and Estes Park in Larimer County. Estes Park Charters has thus demonstrated that it has a legally-protected right that would likely be impacted should MedRide succeed in obtaining an extension of its existing authority, and has identified which “parts” of its authority are in conflict with this Extension Application. Estes Park Charters also represents in its Intervention that it is in good standing, is ready and able to provide transportation services to its customers, and that the public interest will be negatively affected should the Extension Application be granted.¹⁵

35. MedRide has not objected to Estes Park Charters’ intervention.

36. The ALJ finds and concludes that Estes Park Charters has established its right to intervene. Accordingly, the ALJ acknowledges Estes Park Charters’ Intervention as of Right.

6. Home James Transportation Services, Ltd.

37. Home James Transportation Services, Ltd. (Home James) holds PUC CPCN No. 16114. It is authorized to provide the following: (1) charter service and call-and-demand limousine service between points within a 5-mile radius of Winter Park and those parts of Rocky Mountain National Park in Grand County; (2) call-and-demand limousine service between a 5-mile radius of Winter Park on the one hand, and the Isle of Capri Hotel and Casino in Black Hawk, the Summit Stage Park and Ride in Frisco, the Copper Mountain Free Shuttle stop, and the Vail Transportation Center on the other hand; (3) charter service and call-and-demand limousine

¹⁵ *Id.* At ¶¶ 2-9 Pp 1-2.

service for passengers and their baggage between Denver and Grand County; (4) taxi service between Winter Park and those portions of Rocky Mountain National Park in Grand County; (5) taxi service between Grand County on the one hand and Frisco and Copper Mountain on the other hand; and (6) scheduled service between DIA and Grand County, including the intermediate points of Idaho Springs, Empire, and a Conoco Station and a Texaco Station in Wheat Ridge, with restrictions.¹⁶

38. The call-and-demand shuttle service MedRide seeks to provide overlaps directly with the shuttle, charter, and scheduled services Home James provides. In particular, MedRide seeks to offer shuttle service from Denver to points throughout the State. Home James' existing authority permits it to offer transportation services from Denver to Grand County placing MedRide's proposal in direct conflict with Home James' authority. Home James has thus demonstrated that it has a legally-protected right that would likely be impacted should MedRide succeed in obtaining an extension of its existing authority and has identified which "parts" of its authority are in conflict with this Extension Application. Home James also represents in its Intervention that it is in good standing, is ready and able to provide transportation services to its customers, and that the public interest will be negatively affected should the Extension Application be granted.¹⁷

39. MedRide has not objected to Home James' intervention.

40. The ALJ finds and concludes that Home James has established its right to intervene.

Accordingly, the ALJ acknowledges Home James' Intervention as of Right.

¹⁶ *Id.*, Exhibit 5, Letter of Authority of Home James Transportation Services, Ltd. (Home James), PUC NO. 16114. (Note: Home James offers several services to, in and around Winter Park. The above description is a summary of Home James' authority and should not be considered a complete recitation of its authority. For a more complete understanding of the extent and restrictions on Home James' authority, please review Exhibit 5 attached to the Notice of Intervention filed by Alpine Taxi, et al.)

¹⁷ *Id.* at ¶¶ 2-9. Pp. 1-2.

III. REPRESENTATION

41. 43. MedRide and the Alpine Intervenors are represented by counsel in this Proceeding. However, Explorer Tours is not. In its Petition for Intervention and Entry of Appearance, Explorer Tours requests that it be permitted to be represented by its owner, Roman Lysenko.

42. Generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.¹⁸ However, an individual may appear without an attorney on behalf of a company after showing eligibility.¹⁹ To do so, all the below conditions must be met:

- (a) The company must not have more than three owners;
- (b) The amount in controversy must not exceed \$15,000; and
- (c) The non-attorney individual seeking to represent the company must provide the Commission with satisfactory evidence demonstrating his or her authority to represent the company in the proceeding.²⁰

43. 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.²¹ A written resolution from a company specifically authorizing the individual to represent the company's interests in the proceeding may also be relied upon as evidence of the individual's authority to represent the company.²²

44. In its Petition to intervene, Explorer Tours states that that it is a closely-held entity, has no more than three owners, and that the amount in controversy does not exceed \$15,000.²³

¹⁸ Rule 1201(a) of the Rules of Practice and Procedure, 4 Code of Colo. Regulations (CCR) 723-1.

¹⁹ Rule 1201(b)(II), 4 CCR 723-1; § 13-1-127, C.R.S.

²⁰ Rule 1201(b)(II), § 13-1-127(2) and (2.3)(c), C.R.S.

²¹ § 13-1-127(2) and (2.3), C.R.S.

²² § 13-1-127(3), C.R.S.

²³ Explorer Tours' Intervention at 2.

Explorer Tours asks that its president and owner, Roman Lysenko, a non-attorney, be permitted to represent its interests in this proceeding.²⁴

45. Based on the foregoing, and the record as a whole, the ALJ finds that Explorer Tours meets the requirements of Rule 1201(b)(II), 4 CCR 723-1 and § 13-1-127, C.R.S., to be represented by a non-attorney, Roman Lysenko, in this proceeding and will permit him to do so.

IV. REMOTE PREHEARING CONFERENCE.

46. To move this matter forward, and in anticipation of a hearing on the Application, the ALJ is scheduling a fully remote prehearing conference per Rule 1409(a), 4 CCR 723-1.

47. 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. 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.

48. 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.²⁵

²⁴ *Id.*

²⁵ Participants will receive an email with the information to join the hearing at the email addresses on file with the Commission for this proceeding. The ALJ anticipates that the hearing will be webcast, consistent with Commission practice; this means that those wishing to observe the hearing may do so without the need to join the hearing as a participant.

49. At the prehearing conference, an evidentiary hearing will be scheduled, and related procedural deadlines will be established. The ALJ anticipates that a fully remote hearing will be held via Zoom. Alternatively, the parties may choose to hold a hearing fully in person at the Commission's offices in Denver, Colorado, or at another location agreed to by the parties and approved by the ALJ, or a hybrid hearing which accommodates both in person and remote participation in the evidentiary hearing. Given that MedRide's Extension Application was deemed complete on November 29, 2023, and that a Commission final decision must be issued within 250 days of that date, or on or before August 5, 2024, the ALJ anticipates that an evidentiary hearing in this matter should best be held by the end of April 2024. The participants should keep this in mind when preparing for the prehearing conference. Other issues relevant to this proceeding may be raised or addressed at the prehearing conference, including whether the parties have met the requirements of this Decision and relevant Commission rules.

50. *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 Application. 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.

51. Alternatively, the parties are encouraged to confer regarding a proposed procedural schedule and evidentiary hearing. If the parties reach an agreement concerning a procedural schedule to govern this Proceeding as well as a proposed format and date or dates for an evidentiary hearing, they may contact the undersigned ALJ informally via email. If the ALJ approves the proposed procedural schedule and evidentiary hearing, the prehearing conference may be vacated.

V. **ORDER**

A. **It is Ordered That:**

1. The interventions as of right of Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer Tours); Alpine Taxi/Limo, Inc.; AEX, Inc.; San Miguel Mountain Ventures, LLC; Estes Park Charters, Corp.; and Home James Transportation Services, Ltd., are acknowledged.

2. Explorer Tours may be represented in this Proceeding by its owner, Roman Lysenko, a non-attorney.

3. A remote prehearing conference in this Proceeding is scheduled as follows:

DATE: Tuesday, January 30, 2024

TIME: 10:30 a.m.

PLACE: Join by video conference using Zoom

4. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

5. All participants must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

6. This Decision 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 "Rebecca E. White".

Rebecca E. White,
Director