

Decision No. R24-0188-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24F-0073CP

GREEN JEEP TOURS LLC,

COMPLAINANT,

V.

PURPLE MOUNTAIN TOUR COMPANY LLC AND ZACHARY BUGG AND BROOKE
LYNN CARSWELL,

RESPONDENTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
SETTING DEADLINE FOR RESPONSIVE PLEADING AND
PROVIDING OPPORTUNITY FOR PARTIES TO FILE
A STATEMENT ADDRESSING THEIR PREFERENCE FOR
A REMOTE, HYBRID, OR IN-PERSON HEARING**

Mailed Date: March 21 2024

I. STATEMENT

A. Procedural History

1. On February 12, 2024, Green Jeep Tours LLC (Green Jeep) commenced this Proceeding by filing a Formal Complaint against Purple Mountain Tour Company LLC (Purple Mountain); Zachary Bugg – Lay Representative of Purple Mountain; and Brooke Lynn Carswell – Managing Director of Purple Mountain (collectively, Respondents). Green Jeep alleges that Respondents have “offered to sell and ha[ve] sold individual tickets” for transportation services without the proper certificate of public convenience and necessity in

violation of Rule 6016 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-6. Green Jeep asks the Commission to carry out 13 separate actions to provide it relief from Purple Mountain's alleged regulatory violation, including entering findings that Purple Mountain violated Commission rules; that Bugg and Carswell "aided and abetted" Purple Mountain in violating Commission rules; that Respondents be enjoined from engaging in violative behavior; that cease and desist orders be entered against Respondents and their activities; and that Respondents be barred from obtaining Commission authority to operate in the future.

2. On February 16, 2024, after receiving the Formal Complaint, the Commission issued a Notice of Hearing setting this Proceeding for an evidentiary hearing to be held on April 22, 2024, commencing at 9:00 a.m.

3. On February 16, 2024, the Commission issued and sent to Respondents an Order to Satisfy or Answer the Formal Complaint notifying Respondents that a Formal Complaint had been asserted against them. The Order to Satisfy or Answer advised Respondents:

You are notified that a Formal Complaint has been filed against you in the above entitled and captioned case. You are ordered to satisfy the matters in the complaint or to answer the complaint in writing within 20 days from service upon you of this order and copy of the attached complaint.

If the complaint is satisfied and adequate evidence of satisfaction is presented to the Commission, the complaint will be dismissed. If the complaint is not satisfied, or if adequate evidence of its satisfaction is not presented to the Commission, or if no answer is filed within the time required, the allegations of the complaint may be deemed admitted, and the Commission may grant so much of the relief sought in the complaint as is within its power and jurisdiction or may set the complaint for hearing.

4. A copy of the Notice of Hearing, Formal Complaint, verification, and attachments to the Formal Complaint were served on Respondents with the Order to Satisfy or Answer. The

Order to Satisfy or Answer and all the accompanying documents were sent to Respondents on February 16, 2024, by email to purplemountaintours@gmail.com, and by US Mail to 165 Virginia Drive, #2, Estes Park, CO 80517.

5. Although the Order to Satisfy or Answer was sent more than a month ago, as of the date of this Decision, Respondents have not filed a responsive pleading.

B. Filing of Responsive Pleading

6. As noted above, the Order to Satisfy or Answer advised Respondents that an answer to the Formal Complaint or evidence that they had satisfied the allegations of the Formal Complaint was due “within 20 days” of service upon them of the Order to Satisfy or Answer and the accompanying documents.

7. The 20-day time-period after Respondents were served with the Formal Complaint by email and US Mail during which they were to satisfy or answer the Formal Complaint expired on March 7, 2024.

8. Respondents are advised that if they do not file a responsive pleading which satisfies or answers the Formal Complaint **within seven days of the issuance of this Decision**, the Formal Complaint may be deemed admitted, the relief requested in the Formal Complaint granted, and the evidentiary hearing set for April 22, 2024, vacated.

C. Hearing

9. If Respondents file a responsive pleading within the allotted time, the undersigned ALJ will issue a Decision setting the format for the April 22, 2024 evidentiary hearing.

10. The parties are advised that 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. The parties 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 **April 5, 2024**.

13. 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.

D. Additional Advisements

14. The parties are further 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 <http://www.dora.colorado.gov/puc> and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. Respondents Purple Mountain Tour Company LLC, Zachary Bugg, and Brooke Lynn Carswell are ordered to answer, satisfy, or otherwise respond to the allegations of the Formal Complaint within seven days of the issuance of this Decision.

2. The deadline to file any Statement Regarding Hearing containing the information described above is **5:00 p.m. on April 5, 2024**.

3. 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