

Decision No. R24-0220-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
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: April 09, 2024

I. STATEMENT

A. Summary

1. This Decision schedules a fully remote prehearing conference in this Proceeding for Thursday, April 11, 2024, at 10:30 a.m.

B. Procedural History

2. On February 12, 2024, Green Jeep Tours LLC (Complainant or 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 and requests relief.

3. 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.

4. 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 they had 20 days within which to respond to or otherwise satisfy the allegations asserted in the Formal Complaint. The Order to Satisfy or Answer was accompanied by a copy of the Notice of Hearing, Formal Complaint, verification, and attachments to the Formal Complaint. 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. On February 21, 2024, the Commission referred this Proceeding by minute entry to an Administrative Law Judge (ALJ) for disposition. The Proceeding was subsequently assigned to the undersigned ALJ.

6. Because the Commission had not received a response from Respondents within the time period established by the Order to Satisfy or Answer, on March 22, 2024, the undersigned ALJ issued Decision No. R24-0188-I ordering Respondents to file a responsive

pleading within seven days of the Decision and requesting the parties to advise the ALJ of their preferred hearing format.

7. One week later, on March 29, 2024, Respondents moved for a one-week extension of time within which to respond to the Formal Complaint. Respondents indicated that Complainant objected to their request.

8. On April 5, 2024, Respondents filed their Evidence of Satisfaction, Response to Complaint and Statement Regarding Hearing, along with exhibits suggesting that Respondents were no longer offering or accepting payment for single-ticket transportation sales. Respondents also indicated that they preferred that the April 22, 2024, hearing be held in person at the Commission's Denver offices.

9. On that same day, Complainant filed its Statement Regarding Hearing in Response to Decision R24-0188-I, in which Complainant explained its preference that an evidentiary hearing be held in person in Estes Park, Colorado — where Complainant and its counsel are based — and that the hearing be postponed for several months until September 2024.

10. In an informal email exchange between the parties and the undersigned ALJ, Respondents indicated that they oppose delaying the evidentiary hearing. Both parties expressed interest in participating in a prehearing conference to discuss the format and timing of an evidentiary hearing.

II. REMOTE PREHEARING CONFERENCE

11. Pursuant to the parties' request, the ALJ will schedule a fully remote prehearing conference per Rule 1409(a), 4 CCR 723-1, for Thursday, April 11, 2024, at 10:30 a.m.

12. 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.

13. 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.

14. The parties should anticipate and be prepared to discuss the format, location, and timing of the evidentiary hearing in this Proceeding at 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 and other Commission decisions and relevant Commission rules.

15. 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.

III. ORDER

A. It Is Ordered That:

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

DATE: Thursday, April 11, 2024
TIME: 10:30 a.m.
PLACE: Join by video conference using Zoom

2. 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.

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

4. 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