

Decision No. R24-0230-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0043CP-EXT

IN THE MATTER OF THE APPLICATION OF CCT HOLDINGS LIMOS, LLC DOING BUSINESS AS COLORADO CANNIBIS TOURS FOR PERMANENT AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55977.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
ADDRESSING REPRESENTATION AND
INTERVENTIONS, PROVIDING OPPORTUNITY FOR
EACH PARTY TO FILE A STATEMENT REGARDING
HEARING THAT IDENTIFIES THE PARTY'S
PREFERENCE FOR A REMOTE, HYBRID, OR IN-PERSON
HEARING, ESTABLISHING PROCEDURAL SCHEDULE,
AND PROVIDING FURTHER INSTRUCTIONS**

Mailed Date: April 12, 2024

I. STATEMENT

A. Background

1. On January 19, 2024, CCT Holdings Limos, LLC doing business as Colorado Cannabis Tours (Colorado Cannabis Tours) filed the application described in the caption above (Application).

2. On January 22, 2024, the Commission issued public notice of the authority sought by Colorado Cannabis Tours in the Application as follows:

For an order of the Commission authorizing the extension of Certificate of Public Convenience and Necessity (CPCN) No. 55977.

Currently, CPCN No. 55977 authorizes the following:

Transportation of passengers, in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, and Denver, State of Colorado.

If the extension is granted, CPCN No. 55977 will read:

Transportation of passengers, in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Denver, Jefferson, Clear Creek, Larimer, and Pueblo, State of Colorado.

3. On January 25 and February 14, 2024, Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer Tours) and Aspire Tours LLC (Aspire Tours) filed interventions and entries of appearance, respectively. Explorer Tours and Aspire Tours claim that the extended authority sought by Colorado Cannabis Tours would overlap with their own authority described in Certificate of Public Convenience and Necessity Nos. 55952 and 55865, respectively. Explorer Tours and Aspire Tours further assert that they would be harmed if the Application is granted.

4. On February 28, 2024, the Commission deemed the Application complete and referred the proceeding by minute entry to an Administrative Law Judge. The proceeding was subsequently assigned to the undersigned ALJ.

B. Representation

5. Non-attorney Roman Lysenko signed Explorer Tours' Petition for Intervention and stated therein that he is the owner and President of Explorer Tours and will represent the company in this proceeding. Similarly, non-attorney Kathrin Troxler signed Aspire Tours' Petition for Intervention and stated therein that she and Brian Erdner are co-owners and co-controlling members of Aspire Tours and that they will represent Aspire Tours in this proceeding. In their Petitions for Intervention, Explorer Tours and Aspire Tours separately state that:

- (a) they do not believe the amount in controversy in this proceeding exceeds \$ 15,000; and
- (b) Explorer Tours and Aspire Tours do not have more than three owners.

6. Based on the foregoing, the undersigned Administrative Law Judge (ALJ) finds and concludes that, under Rule 1201(a) of the Commission's Rules of Practice and Procedure and § 13-1-127, C.R.S., Explorer Tours and Aspire Tours have established that Mr. Lysenko, and Ms. Troxler and Mr. Erden, are permitted to represent Explorer Tours and Aspire Tours, respectively. Explorer Tours and Aspire Tours are on notice that they will be bound by, and held to, the same procedural and evidentiary rules that attorneys must follow. No party will be held to a lesser standard because it has chosen not to have an attorney represent it in this proceeding.

C. Statement Regarding Hearing

7. In the Application, Colorado Cannabis Tours requests a hearing in Denver, which the ALJ interprets as a request for an in-person hearing in Denver. Explorer Tours and Aspire Tours did not address the hearing in their interventions.

8. 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.

9. Each party will be given the opportunity to file a Statement Regarding Hearing identifying the party's preference for an in-person, remote, or hybrid hearing. If a party prefers an in-person hearing, the party must identify its preferred location and provide an explanation of why the hearing should be conducted at the party'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.

10. The deadline for the filing of the Statements Regarding Hearing will be **April 23, 2024**. 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. Procedural Schedule

11. To facilitate the orderly and efficient litigation of this proceeding, the ALJ finds and concludes that a procedural schedule should be adopted, so that each party will have an opportunity prior to the hearing to review a summary of the anticipated testimony of each witness the other party intends to call at the hearing, and to review copies of the exhibits the other party will present at the hearing. Therefore, this Decision will order the parties to file, and to serve on each other, a list of witnesses, a summary of the testimony of each witness, and copies of the exhibits the filing party intends to present at the hearing.

12. On or before **May 20, 2024**, Colorado Cannabis Tours will be ordered to file and serve on Explorer Tours and Aspire Tours: (a) a list that identifies the witnesses Colorado Cannabis Tours intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Colorado Cannabis Tours will present at the hearing.

13. On or before **June 10, 2024**, Explorer Tours and Aspire Tours will each be ordered to file and serve on Colorado Cannabis Tours: (a) a list that identifies the witnesses Explorer Tours and Aspire Tours each intend to call at the hearing, the last known address and

telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Explorer Tours and Aspire Tours each will present at the hearing.

14. As referenced in this Decision, serving a party with any document (e.g., witness and exhibit lists and exhibits) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the Commission's Rules of Practice and Procedure.¹ The Commission's Rules (including Rule 1205) are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

15. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party (e.g., the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).²

16. All exhibits shall be identified by sequential numbers (e.g., Exhibit 1, Exhibit 2, and Exhibit 3). Each exhibit shall include the following information: a) exhibit number, b) proceeding number, c) name of the witness who will testify to the exhibit's foundation, and d) the date of the hearing. The parties shall work together to ensure that there are no overlaps in the numbering of the exhibits.

17. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

18. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

¹ 4 CCR 723-1.

² See Rule 1205(e), 4 CCR 723-1.

19. The parties are on notice that: a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required herein; b) failure to provide an accurate description of the anticipated testimony of a witness may also result in an order prohibiting such witness from testifying; and c) any exhibit may not be received in evidence, except in rebuttal, unless filed and served as required herein.

E. Additional Advisements

20. 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 (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. CCT Holdings Limos, LLC doing business as Colorado Cannabis Tours (Colorado Cannabis Tours), Mountain Star Transportation LLC doing business as Explorer Tours (Explorer Tours), and Aspire Tours LLC (Aspire Tours) are the parties in this proceeding.

2. The deadline to file any Statement Regarding Hearing containing the information described above is **April 23, 2024**.

3. On or before **May 20, 2024**, Colorado Cannabis Tours shall file and serve on Explorer Tours and Aspire Tours: a) a list that identifies the witnesses Colorado Cannabis Tours intends to call at the hearing, b) the last known address and telephone number of each witness, c) a summary of the anticipated testimony of each witness; and d) copies of the exhibits Colorado Cannabis Tours will present at the hearing.

4. On or before **June 10, 2024**, Explorer Tours and Aspire Tours shall each file and serve on Colorado Cannabis Tours: a) a list that identifies the witnesses Explorer Tours and Aspire Tours each intend to call at the hearing, b) the last known address and telephone number of each witness, c) a summary of the anticipated testimony of each witness; and d) copies of the exhibits Explorer Tours and Aspire Tours each will present at the hearing.

5. 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 cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director