

Decision No. R24-0297-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0552CP-EXT

IN THE MATTER OF THE APPLICATION OF 303 PARTY BUS LLC FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55846.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING MOTION FOR CONTINUANCE,
CONTINUING HEARING, AND SETTING DEADLINES
FOR SUPPLEMENTAL FILINGS**

Mailed Date: May 7, 2024

I. STATEMENT

A. Background

1. On November 3, 2023, 303 Party Bus LLC (303 Party Bus) filed the application described in the caption above (Application).
2. On November 6, 2023, 303 Party Bus filed an amendment to the Application (Amended Application).
3. On November 13, 2023, the Commission issued public notice of the authority sought by 303 Party Bus in the Amended Application as follows:

Currently, CPCN No. 55846 authorizes the following:

Transportation of passengers in call-and-demand shuttle and charter service between 6232 Beach Street, Denver, Colorado and the following venues: Red Rocks Amphitheater, 18300 West Alameda Parkway, Golden, Colorado 80401; 1st Bank Center, 11450 Broomfield Lane, Broomfield, Colorado 80021; Sports Authority at Mile High Stadium, 1701 Bryant Street, Denver, Colorado 80204; Coors Field, 2001 Blake

Street, Denver Colorado 80205; Ogden Theater, 935 East Colfax Avenue, Denver, Colorado 80218; Fiddlers Green, 6230 Greenwood Plaza Boulevard, Englewood, Colorado 80111; Pepsi Center, 1000 Chopper Circle, Denver, Colorado 80204; Dicks' Sporting Goods Park, 6000 Victoria Way, Commerce City, Colorado 80022; Bluebird Theater, 3317 East Colfax Avenue, Denver, Colorado 80206. RESTRICTIONS. This authority is restricted: (a) to the use of one vehicle; (b) to the use of a vehicle with a maximum capacity of 44 passengers; (c) to round-trips originating and terminating at 6232 Beach Street, Denver, Colorado that may include stops only at the addresses identified herein; and (d) against service to or from hotels, motels, or airports.

If the extension is granted, CPCN No. 55846 will read:

Transportation of passengers in call-and-demand shuttle service and call-and-demand charter service between points in the Counties of Arapahoe and Denver, and between said points on the one hand, and points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, El Paso, Gilpin, Jefferson, and Larimer, on the other hand.

4. On November 15, 2023, Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer Tours) filed a Petition for Intervention and Entry of Appearance (Petition to Intervene). In the Petition, Explorer Tours stated that the proposed extended authority, if granted, would conflict with its CPCN No. 55952, which provides Explorer Tours with the authority to provide "Transportation of passengers in call-and-demand shuttle service between all points in DenverCounty, on the one hand, and Red Rocks Park and Amphitheatre, State of Colorado, on the other hand." For this reason, Explorer Tours asserts that it has standing to intervene in this proceeding.

5. On December 20, 2023, 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.

6. On January 11, 2024, the ALJ issued Decision No. R24-0029-I that set deadlines of March 15, 2024 and April 5, 2024 for 303 Party Bus and Explorer Tours, respectively, to file and serve witness and exhibit lists and exhibits.

7. 303 Party Bus and Explorer Tours both filed and served witness and exhibit lists and exhibits by the deadlines established in Decision No. R24-0029-I.

8. The hearing went forward on May 1, 2024 at which time 303 Party Bus made an oral motion to continue the hearing and agreed to waive the statutory deadline in § 40-6-109.5(2), C.R.S. (Motion). Explorer Tours opposed the Motion. The ALJ granted the Motion and continued the hearing until June 26, 2024. The ALJ also set deadlines for 303 Party Bus and Explorer Tours to supplement the hearing and exhibit lists and exhibits by May 29, 2024 and June 12, 2024, respectively.

B. Analysis

9. The Motion is granted for the reasons stated on the record. In addition, 303 Party Bus and Explorer Tours shall file and serve supplemental witness and exhibit lists and exhibits by May 29, 2024 and June 12, 2024, respectively.

10. 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 and in hard copy from the Commission.

11. 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

¹ 4 CCR 723-1.

by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).²

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

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

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

15. 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.

C. Additional Advisements

16. 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.

² See Rule 1205(e), 4 CCR 723-1.

II. ORDER

A. It Is Ordered That:

1. The oral Motion to Continue made by Applicant 303 Party Bus LLC at the hearing on May 1, 2024 is granted.

2. The in-person hearing is continued as follows:

DATE: June 26, 2024

TIME: 9:00 a.m. to 5:00 p.m.

PLACE: Commission Hearing Room, 1560 Broadway, Suite 250, Denver, Colorado

3. On or before **May 29, 2024**, 303 Party Bus LLC (303 Party Bus) shall file and serve on Explorer Tours: (a) a supplemental list that identifies the witnesses 303 Party Bus 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 303 Party Bus will present at the continued hearing.

4. On or before **June 12, 2024**, Explorer Tours shall file and serve on 303 Party Bus: (a) a supplemental list that identifies the witnesses Explorer 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 Explorer Tours will present at the continued 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