

Decision No. R24-0350-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 CANNABIS 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
GRANTING JOINT MOTION FOR APPROVAL OF
STIPULATION REGARDING RESTRICTIONS AND
WITHDRAWAL OF INTERVENTION, AMENDING
APPLICATION, AND DISMISSING ASPIRE TOURS FROM
PROCEEDING**

Mailed Date: May 24, 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.

5. On April 12, 2024, the ALJ issued Decision No. R24-0230-I that, among other things, established Colorado Cannabis Tours, Explorer Tours, and Aspire Tours as the parties in this proceeding and provided each of the parties an opportunity to file by April 23, 2024 a statement regarding the hearing identifying the party's preference for a remote, hybrid, or in-person hearing.

6. On April 23, 2024, Colorado Cannabis Tours filed a Statement Regarding Hearing in which it expressed a preference for a remote hearing. No other party filed a Statement Regarding Hearing or any other document expressing a preference for the method for conducting the hearing.

7. On April 29, 2024, Colorado Cannabis Tours and Aspire Tours filed a Joint Motion for Approval of Stipulation Regarding Restrictions and Withdrawal of Intervention (Joint Motion).

8. On May 1, 2024, the ALJ issued Decision No. R24-0289-I that scheduled a remote hearing for June 27, 2024 and established a deadline of May 10, 2024 for any party with a scheduling conflict with the hearing to file a motion to reschedule the hearing. No party filed such a motion.

B. Joint Motion

9. In the Joint Motion, Colorado Cannabis Tours proposes to amend the Application to delete Larimer County and to add the following restrictions to the proposed authority:

- i. Restricted against the transportation of passengers in Clear Creek County any earlier than three (3) hours before sunset each day.
- ii. Restricted against the transportation of passengers to/from Rocky Mountain National Park, Estes Park, and Mount Evans/Mount Blue Sky Scenic Byway.
- iii. Restricted against the transportation of any passengers under the age of twenty-one (21) pursuant to Colorado Department of Revenue, Marijuana Enforcement Division regulations.¹

10. If approved, the revised Application will seek to extend the authority in CPCN No. 55977 as follows:

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

RESTRICTIONS:

- 1. Restricted against the transportation of passengers in Clear Creek County any earlier than three (3) hours before sunset each day.
- 2. Restricted against the transportation of passengers to/from Rocky Mountain National Park, Estes Park, and Mount Evans/Mount Blue Sky Scenic Byway.

¹ Joint Motion at 3.

3. Restricted against the transportation of any passengers under the age of twenty-one (21) pursuant to Colorado Department of Revenue, Marijuana Enforcement Division regulations.²

11. If the requested amendment is approved, Aspire Tours will withdraw its intervention.³

12. Colorado Cannabis Tours and Aspire Tours attempted to confer with Explorer Tours before filing the Joint Motion, but Explorer Tours did not respond.⁴ Explorer Tours has not subsequently filed a response to the Joint Motion.

C. Analysis

13. The amendments proposed by Colorado Cannabis Tours and Aspire Tours are restrictive in nature, clear and understandable, and administratively enforceable. They are contained wholly within the scope of the authority sought in the Application. Accordingly, the restrictive amendments proposed by the parties will be accepted.

14. Accepting the amendment has two relevant results. First, the request to amend the authority sought in the Application will be granted and the Application will be amended as requested in the Joint Motion. Second, Aspire Tours' request to withdraw its intervention will be granted.

² *Id.*

³ *Id.*

⁴ *Id.* at 1.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion for Approval of Stipulation Regarding Restrictions and Withdrawal of Intervention filed on April 29, 2024 by CCT Holdings Limos, LLC doing business as Colorado Cannabis Tours (Colorado Cannabis Tours) and Aspire Tours LLC (Aspire Tours) is granted.

2. The withdrawal of Aspire Tours' intervention filed on February 14, 2024 is accepted.

3. Aspire Tours is dismissed from this proceeding.

4. The Application is amended as set forth in paragraph 10 above.

5. Colorado Cannabis Tours and Mountain Star Transportation LLC doing business as Explorer Tours are the remaining parties in this proceeding.

6. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

Rebecca E. White,
Director

