

Decision No. R24-0476-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
DENYING MOTION TO MODIFY DECISION R24-0454-I**

Issued Date: July 8, 2024

I. STATEMENT AND PROCEDURAL HISTORY

1. 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”), alleging 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.

2. By Decision No. R24-0246-I, issued April 18, 2024, the undersigned Administrative Law Judge (“ALJ”) scheduled an in-person evidentiary hearing to be held Thursday, June 27, 2024, in Estes Park, Colorado. Decision No. R24-0246-I also established a procedural schedule to govern this Proceeding.

3. On June 26, 2024, by Decision No. R24-0454-I, the undersigned ALJ granted Complainant’s Motion to Vacate and Reschedule Hearing to Re-Set Pre-Hearing Deadlines Including Complainant’s Witness List and Exhibits and to Waive Response Time (“Motion to Vacate”). The order noted that Complainant’s counsel had not certified that a copy of the Motion to Vacate had been filed on Complainant, as required by Rule 121, § 1-11 of the Colorado Rule of Civil Procedure (“C.R.C.P.”). C.R.C.P. 121, § 1-11 mandates that a motion to continue which fails to certify that it has been served on the moving attorney’s client “will not be considered.”

4. Nevertheless, the undersigned ALJ agreed with Complainant that issues raised in the Proceeding rendered it impossible to proceed to hearing on June 27, 2024, and therefore granted the Motion to Vacate.

5. On June 27, 2024, Complainant moved to Modify Decision R24-0454-I to Correct Error in Law (“Motion to Modify”), arguing that the ALJ had incorrectly applied C.R.C.P. 121, § 1-11.

6. However, contrary to Complainant’s characterization, the ALJ did not apply C.R.C.P. 121, § 1-11 at all. Rather, the ALJ disregarded the Rule’s requirement that motions to continue be accompanied by a certification that the motion has been served on the moving attorney’s client and granted Complainant’s Motion to Vacate. The relief Complainant seeks is thus unnecessary and unwarranted.

7. The ALJ will therefore deny Complainant’s Motion to Modify.

8. Given that the Motion to Modify will be denied, no response to the Motion to Modify is required and response time to the Motion to Modify will be waived.

II. ORDER

A. It Is Ordered That:

1. Response time to Complainant's Motion to Modify Decision R24-0454-I to Correct Error in Law is waived.

2. Complainant's Motion to Modify Decision R24-0454-I to Correct Error in Law, filed June 27, 2024, is denied.

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