

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0356CP

IN THE MATTER OF THE APPLICATION OF CARING HANDS TRANSPORT LLC DOING BUSINESS AS CARING HANDS COMMUNITY SERVICES FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
GRANTING INTERVENTION AND SETTING
PREHEARING CONFERENCE**

Issued Date: October 18, 2024

I. STATEMENT

1. On August 23, 2024, Caring Hands Transport LLC, doing business as Caring Hands Community Services (“Caring Hands”), initiated the captioned proceeding by filing an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to Operate as a Common Carrier by Motor Vehicle for Hire (“Application”) with the Colorado Public Utilities Commission (“PUC” or “Commission”).

2. On August 27, 2024, the Commission provided public notice of the application by publishing a summary of the same in its Notice of Applications Filed:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in scheduled service

between all points in the Counties of , Adams, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, Logan, Weld, Yuma, Pueblo, Morgan, Park, Mesa, Jackson, Lake, Elbert, Fremont, Garfield, and Grand, State of Colorado.

3. On September 18, 2024, Aspire Tours (“Aspire”) filed its Petition for Intervention through Katherine Troxler. Ms. Troxler is identified as the owner of Aspire in this filing. This filing attached Commission Authority No. 55865 held by Aspire.

4. On September 18, 2024 Tazco, Inc (“Tazco”) Estes Park Charters Inc. (“Estes Park”) and Home James Transportation Services LTD (“Home James”) filed their Joint Notice of Intervention by Right Alternative Motion through their counsel. This filing attached the Commission Authority held by Tazco, Home James and Estes Park.

5. On Sept 23, 2024, Mountain Star Transportation LLC, doing business as Explorer Tours (“Explorer”), filed its Intervention through Roman Lysenko. Mr. Lysenko is identified as the president and owner of Explorer in the filing. This filing attached Commission Authority No. 55952 held by Explorer.

6. On October 9, 2024, the Commission deemed the application complete and referred it to the undersigned Administrative Law Judge (“ALJ”) for disposition.

II. INTERVENTIONS

7. Finding good cause, and in the absence of any objection from Applicant, the ALJ finds that all intervenors have established its standing as an intervenor in accordance with the Commission’s Rules of Practice and Procedure.

III. LEGAL REPRESENTATION

8. Under Rule 1201(b) 4 CCR 723-1, a party in an adjudicatory proceeding before the Commission shall be represented by an attorney *unless* the party is an individual appearing for the sole purpose of representing her/his own interests or for purposes of representing the interests of a closely held entity pursuant to § 13-1-127, C.R.S. The Commission has emphasized that this requirement is mandatory and has found that if a party does not meet the criteria of this

rule a non-attorney may not represent a party in such a proceeding. *See, e.g.*, Decisions No. C05-1018, Proceeding No. 04A-524W issued August 30, 2005; No. C04-1119, Proceeding No. 04G-101CP issued September 28, 2004; and No. C04-0884, Proceeding No 04G-101CP issued August 2, 2004.

9. Caring Hands in its Application identified Matthew Staffiero as the director of Caring Hands, stated the amount in controversy does not exceed \$15,000, and that Caring Hands is a closely held entity. Matthew Staffiero may represent the interests of Caring Hands in this proceeding.

10. Aspire, in its Intervention, identified Katherine Troxler as the owner of Aspire, stated the amount in controversy does not exceed \$15,000 and that Aspire is a closely held entity. Katherine Troxler may represent the interests of Aspire in this proceeding.

11. Explorer, in its Intervention, identified Roman Lysenko as the owner of Explorer, stated the amount in controversy does not exceed \$15,000 and that Explorer is a closely held entity. Roman Lysenko may represent the interests of Explorer in this proceeding.

12. A party allowed to proceed *pro se* (that is, without an attorney) in this matter, is advised, and is on notice, that its representative will be bound by the same procedural and evidentiary rules as an attorney.

IV. REMOTE PREHEARING CONFERENCE

13. Given the procedural posture of the case, it is appropriate to hold a prehearing conference to address several issues. The parties to this proceeding should be prepared to discuss all procedural and substantive issues, including, but not limited to, deadlines for witness lists, exhibits, and a date(s) for a hearing on the Application.

14. Participants will appear at the prehearing conference from remote locations by videoconference 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.

15. To minimize the potential that the videoconference 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. Parties will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this Proceeding. As such, it is important that all parties ensure that the Commission has the correct email address for them.

16. Parties are on notice that failure to appear at the prehearing conference may result in dismissing the Application without prejudice or dismissing an intervention. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of any objection to the rulings made during the prehearing conference.

17. A prehearing conference in this matter will be scheduled as ordered.

V. ORDER

A. It Is Ordered That:

1. The interventions of Aspire Tours, Tazco, Inc, Estes Park Charters Inc., Home James Transportation Services LTD Mountain Star Transportation LLC, doing business as Explorer Tours are granted.

2. A prehearing conference in this proceeding is scheduled as follows:

DATE: November 13, 2024

TIME: 11:00 a.m.

PLACE: Join by videoconference using Zoom

3. 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.

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

5. The Parties shall be held to the advisements in this Decision.

6. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director