

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 24A-0344CP-EXT

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IN THE MATTER OF THE APPLICATION OF MEDRIDE LLC, FOR AUTHORITY TO  
EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY NO. 55980.

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**INTERIM DECISION ADDRESSING PROPOSED  
AMENDMENTS TO APPLICATION, STIPULATED  
MOTION AND INTERVENTIONS, AND SCHEDULING  
REMOTE PREHEARING CONFERENCE**

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Issued Date: October 31, 2024

**I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY**

**A. Statement and Summary**

1. This Decision addresses the proposed amendments to Application; the Notice of Conditional Withdrawal of Intervention filed October 2, 2024; the Stipulated Motion to Restrictively Amend Application and Withdraw Intervention filed October 22, 2024 (“Stipulated Motion”); and the Interventions filed in this Proceeding. This Decision requires AEX, Inc., (“AEX”) and Home James Transportation Services, LTD (“Home James”) to make filings by November 13, 2024 as set forth below and schedules a fully remote prehearing conference for November 14, 2024 at 1:00 p.m.

**B. Procedural History**

2. On August 13, 2024, MedRide LLC (“MedRide” or “Applicant”) initiated this Proceeding by filing the above-captioned Application (“original Application”).<sup>1</sup>

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<sup>1</sup> See original Application filed August 13, 2024.

3. On August 23, 2024, Colorado Public Utilities Commission (“Commission”) Transportation Staff issued a deficiency letter (“Deficiency Letter”) to MedRide, directing MedRide to address certain information missing from the original Application.<sup>2</sup>

4. On August 29, 2024, MedRide filed another Application (“First Amended Application”) to address the items in the Deficiency Letter.<sup>3</sup> The First Amended Application seeks permanent authority to extend operations under certificate of public convenience and necessity (“CPCN”) No. 55980 for the transportation of passengers in call-and-demand shuttle service between all points in the following Colorado Counties Alamosa, Archuleta, Baca, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, La Plata, Lake, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, and Yuma, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.<sup>4</sup>

5. On September 3, 2024, the Commission provided public notice of the First Amended Application (“Notice”).<sup>5</sup> The Notice establishes a 30-day deadline from September 3, 2024 within which any interventions must be filed.<sup>6</sup>

6. On September 19, 2024, Red Willow, Inc., doing business as San Luis Valley Transportation (“Red Willow”) filed a “Notice of Intervention by Right, Alternative Motion for

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<sup>2</sup> See Deficiency Letter filed August 23, 2024.

<sup>3</sup> See First Amended Application and Deficiency Letter.

<sup>4</sup> First Amended Application at 9-10.

<sup>5</sup> Notice at 2-3.

<sup>6</sup> *Id.* at 1.

Intervention, Entry of Appearance . . . and Request for a Hearing” (“Red Willow’s Intervention:”).

With its Intervention, Red Willow filed copies of its Letters of Authorities.<sup>7</sup>

7. On September 26, 2024, MedRide filed another Application (“Second Amended Application”).

8. On September 27, 2024, Red Willow filed its exhibit and witness list and several exhibits.

9. On September 30, 2024, Alpine Taxi/Limo, Inc., (“Alpine”), AEX, San Miguel Mountain Ventures, LLC (“Mountain Ventures”), Wilderness Journeys Pagosa, Inc., (“Wilderness”), and Home James, (collectively, “Joint Interveners”) filed a joint “Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance . . . and Request for a Hearing” (“Joint Intervention”). Joint Interveners filed their Letters of Authority as Exhibits A to E to their Joint Intervention.<sup>8</sup>

10. On October 2, 2024, Sober Buddy Shuttle, LLC (“Sober Buddy”) filed a “Notice of Intervention as of Right, or in the Alternative, Motion to Intervene . . . and Entry of Appearance” (“Sober Buddy’s Intervention”). Sober Buddy filed a copy of its Letter of Authority as Exhibit 1 to its Intervention.

11. Also on October 2, 2024, Sober Buddy filed a Notice of Conditional Withdrawal of Intervention (“Sober Buddy’s Withdrawal”). In it, Sober Buddy states that it conditionally withdraws its Intervention provided the Commission approving the amendments in the Second Amended Application (*i.e.*, removing Rio Blanco County from the requested authority).<sup>9</sup>

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<sup>7</sup> Red Willow’s Intervention at 5-7.

<sup>8</sup> Exhibit A (Alpine), Exhibit B (AEX), Exhibit C (Mountain Ventures), Exhibit D (Wilderness), Exhibit E (Home James) to Joint Intervention.

<sup>9</sup> Sober Buddy’s Withdrawal at 2-3.

12. On October 3, 2024, Tava Cab, LLC, doing business as Tava Cab (“Tava”) filed a Notice of Intervention by Right and Alternative Petition for Leave to Intervene (“Tava’s Intervention”). Tava filed a copy of its Letter of Authority as “Appendix B” to its Intervention.

13. Also on October 3, 2024, NDW Enterprises LLC, doing business as Ski Town Transportation (“Ski Town”) filed a Notice of Intervention by Right and Alternative Petition for Leave to Intervene (“Ski Town’s Intervention”). Ski Town filed a copy of its Letter of Authority as “Appendix B” to its Intervention.

14. On October 11, 2024, MedRide filed yet another Application, (“Third Amended Application”).

15. During its weekly meeting held October 16, 2024, the Commission deemed the First Amended Application complete and referred the matter for disposition to an Administrative Law Judge (“ALJ”). This matter was subsequently assigned to the undersigned ALJ.

16. On October 22, 2024, MedRide filed the Stipulated Motion asking the Commission to approve the proposed amendments in the Third Amended Application. The Stipulated Motion also states that Red Willow withdraws its Intervention provided that the Commission approves the Third Amended Application’s changes to the proposed authority (among other agreements).<sup>10</sup>

## **II. FINDINGS AND CONCLUSIONS**

### **A. Proposed Amendments to Application, Sober Buddy’s Withdrawal, and Stipulated Motion**

17. The ALJ finds that the Commission implicitly approved the changes to the original Application in the First Amended Application by providing public notice of the authority sought in the First Amended Application.<sup>11</sup> As such, there is no need to address the First Amended

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<sup>10</sup> Stipulated Motion at 6.

<sup>11</sup> See Notice and First Amended Application.

Application. For the same reasons, the ALJ construes the Second and Third Amended Applications as efforts to amend the First Amended Application.

18. The Second Amended Application seeks to restrictively amend the First Amended Application by eliminating Rio Blanco County from the proposed extended authority.<sup>12</sup> The Third Amended Application seeks to restrictively amend the First Amended Application by also eliminating Rio Blanco County from the proposed authority, in addition to the following counties: Alamosa, Conejos, Costilla, Mineral, Rio Grande and Saguache.<sup>13</sup> Thus, the Third Amended Application subsumes the Second Amended Application. As such, the ALJ first addresses the Third Amended Application and the two related filings, that is, Sober Buddy's Notice of Withdrawal, and the Stipulated Motion.

19. Generally, parties have 14 days to respond to a motion, but the Commission has discretion to waive, shorten or lengthen that response time.<sup>14</sup> The Stipulated Motion seeks an order approving the amendments proposed in the Third Amended Application, among other agreements.<sup>15</sup> As explained above, the Third Amended Application seeks to eliminate certain geographical areas from the requested extended authority. Given that all Interventions oppose the requested authority, the ALJ finds that responses to the Stipulated Motion are unnecessary. As a result, the ALJ finds good cause to waive the remaining response time to the Stipulated Motion and does so.<sup>16</sup>

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<sup>12</sup> Second Amendment at 3. *See id.* at 10-11 (removing Rio Blanco County). The Second Amendment states that Sober Buddy has agreed not to intervene by right or oppose the Application if this restrictive amendment is approved. *Id.*

<sup>13</sup> Third Amended Application at 3 and 12.

<sup>14</sup> Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

<sup>15</sup> Stipulated Motion at 6.

<sup>16</sup> *See* Rule 1400(b), 4 CCR 723-1.

20. To be acceptable, changes to an application's requested authority must be restrictive in nature, clear and understandable, and administratively enforceable. Both the authority and any restriction on that authority must be unambiguous and must be contained wholly within the permit. Both must be worded so that a person will know, from reading the permit and without having to resort to any other document, the exact extent of the authority of each restriction. Clarity is essential because the scope of an authority must be found within the four corners of the permit, which is the touchstone by which one determines whether the operation of a carrier is within the scope of its Commission-granted authority.

21. The Third Amended Application seeks to restrictively amend the First Amended Application by eliminating the following counties from the proposed extended service territory: Alamosa, Conejos, Costilla, Mineral, Rio Blanco, Rio Grande and Saguache.<sup>17</sup> The ALJ finds that the proposed changes are restrictive, clear, understandable, administratively enforceable, and otherwise meet the above-referenced requirements. As such, the ALJ approves the Third Amended Application's restrictive amendments to the requested authority. For the same reasons, the ALJ grants the Stipulated Motion's request to amend the First Amended Application as set forth in the Third Amended Application.

22. For the reasons discussed, the requested authority is amended to seek permanent authority to extend operations under CPCN No. 55980 for the transportation of passengers in call-and-demand shuttle service between all points in the Counties of Archuleta, Baca, Chaffee, Cheyenne, Clear Creek, Crowley, Custer, Delta, Dolores, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, La Plata, Lake, Las Animas, Lincoln, Logan, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers,

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<sup>17</sup> Third Amended Application at 3 and 12.

Routt, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, and Yuma, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

23. Since the Third Amended Application includes the amendments in the Second Amended Application, the Second Amended Application is moot and is rejected as such.

24. *MedRide is reminded* that per Rule 1309(a), 4 CCR 723-1, because the intervention period has expired, if it wishes to amend the requested authority again, *it must file an appropriate motion requesting to amend* that plainly states the changes that Applicant seeks to make to the requested authority.<sup>18</sup>

25. Because the requested authority has been amended to exclude Rio Blanco County, Sober Buddy's Withdrawal is effective, as its condition has been met.<sup>19</sup> As such, Sober Buddy's Intervention is withdrawn, and it is not a party to this Proceeding.

26. The Stipulated Motion states that Applicant reached an agreement with Red Willow whereby MedRide will not, in the future, apply to the Commission to operate or otherwise operate in any de facto nature, as a call-and-demand shuttle service under its CPCN authority in the following counties: Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache ("San Luis Valley Counties") in exchange for Red Willow not intervening in any future applications that MedRide may file before the Commission to operate as a contract carrier within the San Luis Valley Counties, but that MedRide will not file an application to operate as a contract carrier with the San Luis Valley Counties during the first six months following the Stipulated Motion's file date.<sup>20</sup> Notably, the Stipulated Motion also states that Red Willow withdraws its Intervention

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<sup>18</sup> To date, MedRide has complied with Rule 1309(a), 4 CCR 723-1, because all its Amended Applications were filed before the expiration of the intervention period. That said, MedRide's approach—filing a full and complete Application repeatedly—had made it time-consuming and difficult to identify and confirm all the proposed changes, requiring a line-by-line comparison to each iteration of the Application.

<sup>19</sup> Sober Buddy's Withdrawal at 2-3. *Supra*, ¶¶ 21-22.

<sup>20</sup> Stipulated Motion at 5.

contingent upon the Commission approving the Third Amended Application's restrictive amendments.<sup>21</sup> The ALJ finds the agreements in the Stipulated Motion to be reasonable, and as such, approves them, and grants the Stipulated Motion in its entirety. In addition because the Stipulated Motion's conditions on Red Willow withdrawing its Intervention has been met (*i.e.*, approval of the Third Amended Application's restrictive amendments), Red Willow's Intervention is deemed withdrawn.<sup>22</sup> Red Willow is not a party to this Proceeding.

### **B. Interventions**

27. Two classes of parties may intervene in proceedings such as this: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).<sup>23</sup> To intervene of right, a carrier's intervention must: state the basis for the claimed legally protected right that may be impacted by the proceeding; include a copy of the carrier's authority; show that the carrier's authority is in good standing; identify the specific parts of the authority that are in conflict with the application; and explain the consequences to the carrier and the public interest if the application is granted.<sup>24</sup> An intervener's letter of authority provides the basis for the legally protected right which an intervener claims may be impacted by the proceeding. Thus, when determining whether an intervention of right is appropriate, it is important to determine whether the intervener's letter of authority shows that it has the right to operate in a manner that may be impacted by an application's requested authority.

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<sup>21</sup> *Id.* at 6.

<sup>22</sup> Stipulated Motion at 6. *Supra*, ¶¶ 21-22.

<sup>23</sup> Rule 1401(b) and (c), 4 CCR 723-1. See § 40-6-109(a), C.R.S.; and *RAM Broadcasting of Colo. Inc., v. Public Utilities Comm'n*, 702 P.2d 746, 749 (Colo. 1985).

<sup>24</sup> Rule 1401(b) and (f)(I), 4 CCR 723-1.

28. Persons or entities seeking permissive intervention in a proceeding must: state the specific grounds relied upon for intervention; identify the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; explain why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding; and must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interest of the movant and that the movant's interests would not otherwise be adequately represented.<sup>25</sup>

29. Since Red Willow and Sober Buddy's Interventions have been withdrawn, only Joint Interveners, Tava, and Ski Town's Interventions remain. This Decision addresses each in turn.

30. The Joint Interveners assert that they may intervene of right because proposed authority overlaps with their authorities.<sup>26</sup> Specifically, Alpine explains that it has authority to provide shuttle service in Routt and Moffat Counties, which overlaps with the proposed authority.<sup>27</sup> Alpine's Letter of Authority confirms this.<sup>28</sup> AEX explains that it has authority to provide service in Gunnison County, and between Gunnison County and points elsewhere in Colorado, including Denver, Montrose, Colorado Springs, and Grand Junction (among others).<sup>29</sup> As relevant here, AEX's Letter of Authority indicates that it has authority to provide service in and between an identified locations in Crested Butte (in Gunnison County) and all points in Gunnison County; between identified locations in Gunnison County and Aspen, Colorado (in Pitkin County); and between Gunnison, Colorado on the one hand, and Montrose, Colorado on the other hand.<sup>30</sup>

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<sup>25</sup> Rule 1401(c), 4 CCR 723-1.

<sup>26</sup> See Joint Intervention at 1-3.

<sup>27</sup> See *id.* at 1-2.

<sup>28</sup> Exhibit A at 1 to Joint Intervention.

<sup>29</sup> Joint Intervention at 2.

<sup>30</sup> Exhibit B to Joint Intervention.

Mountain Ventures states that it has authority to provide service between all points within a 100 mile radius of the Post Office in Telluride, Colorado, which covers all counties in southwestern Colorado, with restrictions.<sup>31</sup> Mountain Ventures' Letter of Authority confirms this.<sup>32</sup> Wilderness states that it has authority to provide service between points within Archuleta County; between Archuleta County and points in Mineral County; between points in Counties of Archuleta, Mineral, Rio Grande, and points in Counties of Hinsdale, La Plata, Montezuma, and San Juan, State of Colorado, with restrictions.<sup>33</sup> Wilderness' Letter of Authority confirms that it has authority to serve these areas.<sup>34</sup> Home James states that it has authority to provide service between points in Grand County, and between those points, locations in Summit County, and between points in Grand County and Denver County.<sup>35</sup> Home James' Letter of Authority confirms that it is authorized to serve these areas.<sup>36</sup>

31. The Joint Interveners assert that they are ready, willing and able to serve additional passengers and that they would be harmed by diversion of passengers and revenue from the overlapping service that will result if the proposed authority is granted. For all these reasons, the Joint Interveners assert that they have legally protected rights and interests in the subject of this Proceeding that may be affected by the outcome of this case, which entitles them to intervene as of right.<sup>37</sup> In the alternative, they seek to permissively intervene, asserting that they have financial and tangible interests in this Proceeding because the proposed authority substantially duplicates

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<sup>31</sup> Joint Intervention at 2.

<sup>32</sup> Exhibit C to Joint Intervention.

<sup>33</sup> Joint Intervention at 2.

<sup>34</sup> Exhibit D to Joint Intervention.

<sup>35</sup> Joint Intervention at 2.

<sup>36</sup> Exhibit E to Joint Intervention.

<sup>37</sup> Joint Intervention at 2-3.

the services that they provide.<sup>38</sup> Joint Interveners oppose the Application, and request that it be denied.

32. Although several of Joint Interveners' service territories are no longer at issue (*i.e.*, Mineral and Rio Grande Counties), based on the Joint Intervention and Exhibits A to E thereto, the ALJ finds that the Joint Interveners have established that if proposed authority (as amended by this Decision) is granted, that Applicant would be authorized to serve a geographic territory or territories that overlap with Joint Interveners' service territories. Based on the foregoing, the ALJ concludes that Joint Interveners have properly intervened as of right, per Rule 1401, 4 CCR 723-1. As such, Joint Interveners are acknowledged as parties to this Proceeding.

33. That said, the ALJ notes that AEX and Home James' Letters of Authority use outdated language and that AEX's Letter of Authority includes authority that the Commission no longer regulates (call-and-demand service for parcels and packages).<sup>39</sup> Over the years, the Commission has issued new Letters of Authority for those with existing CPCNs to update language to exclude service that is no longer Commission-regulated and to use current terminology. As such, AEX and Home James may have more recently issued Letters of Authority than what they filed in this Proceeding. They will be required to file their most recently issued Letters of Authority by the below-established deadline. If the Commission did not issue more recent Letters of Authority to AEX and Home James than the ones filed in this Proceeding as Exhibits B and E to the Joint Intervention, they must make a filing stating this so that the record is clear.

34. Assuming AEX and Home James file updated Letters of Authority, the ALJ will review those to confirm that their updated authorities continue to overlap with the proposed

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<sup>38</sup> *Id.* at 3.

<sup>39</sup> Exhibits B and E.

authority here. If they do not overlap, the ALJ may modify this Decision as it relates to AEX and Home James' Interventions, as appropriate.

35. Turning to Tava's Intervention, it asserts that it may intervene because it has authority to provide call-and-demand taxi service in Teller County, which overlaps with the authority sought here.<sup>40</sup> Tava's Letter of Authority confirms that it has authority to provide call-and-demand taxi service between all points in Teller County, and between said points on the one hand, all points in Fremont County (among other counties).<sup>41</sup> Tava asserts that there is not enough business in Teller County to support an additional carrier, and that granting the proposed authority would put Tava out of business.<sup>42</sup> For these reasons and others, Tava asserts that it has a legally protected right in the subject matter of this Proceeding that entitles it to intervene of right.<sup>43</sup> Alternatively, Tava argues that it should be permitted to permissively intervene as it has a substantial interest in this Proceeding as an entity providing service in a territory that overlaps with the proposed authority.<sup>44</sup> Tava requests that the requested authority be denied.<sup>45</sup> Tava also requests that this matter be set for an evidentiary hearing and asks that at least one hearing date be held in person in Woodland Park, Colorado.<sup>46</sup>

36. Based on Tava's Intervention and Letter of Authority (Appendix B to Tava's Intervention), the ALJ finds that Tava has established that if proposed authority (as amended by this Decision) is granted, that Applicant would be authorized to serve a geographic territory or territories that overlaps with Tava's authorized service territories. Based on the foregoing, the ALJ

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<sup>40</sup> See Tava's Intervention at 1-3.

<sup>41</sup> Appendix B to Tava's Intervention.

<sup>42</sup> *Id.* at 3-4.

<sup>43</sup> *Id.* at 4.

<sup>44</sup> *Id.* at 4-5.

<sup>45</sup> *Id.* at 5-6.

<sup>46</sup> *Id.* at 8.

concludes that Tava has properly intervened as of right, per Rule 1401, 4 CCR 723-1.<sup>47</sup> As such, Tava is acknowledged as a party to this Proceeding.

37. Ski Town asserts that it may intervene of right because it is authorized to provide shuttle service in the Steamboat Springs area under its CPCN No. 55991.<sup>48</sup> It states that this CPCN authorizes it to provide shuttle service as follows:

- (1) Between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area, on the other hand;
- (2) Between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Craig, Colorado, including all points within one mile of the town limits of Craig, Colorado, on the other hand; and
- (3) Between all points within the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area.

Restrictions:

1. Operations under Items 1 through 3 are restricted to the use of vehicles with a seating capacity of 28 passengers or fewer plus the driver according to vehicle manufacturer specifications.
2. Until December 31, 2024, operations under Items 1 through 3 are restricted to the use of no more than 30 vehicles at any one point in time, and on and after January 1, 2025, operations under Items 1 through 3 are restricted to the use of no more than 35 vehicles at any one point in time.<sup>49</sup>

38. Ski Town's Letter of Authority confirms that it has authority to provide service as stated above.<sup>50</sup> Ski Town asserts that granting the requested authority will divert passengers from it, threaten its viability, and would be destructive to its services.<sup>51</sup> For these reasons and others, Ski Town asserts that has a legal protected right in the subject matter of this Proceeding that entitles it

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<sup>47</sup> The ALJ agrees with Tava that the proposed service type—call-and-demand shuttle service—overlaps with Tava's service type—call-and-demand taxi service.

<sup>48</sup> Ski Town's Intervention at 2

<sup>49</sup> *Id.*, referencing Appendix B to Ski Town's Intervention.

<sup>50</sup> Appendix B to Ski Town's Intervention.

<sup>51</sup> Ski Town's Intervention at 4.

to intervene as of right.<sup>52</sup> Ski Town asks that the requested authority be denied.<sup>53</sup> It also requests that this matter be set for an evidentiary hearing and asks that at least one hearing date be held in person in Steamboat Springs, Colorado.<sup>54</sup>

39. Based on Ski Town's Intervention and Letter of Authority (Appendix B to its Intervention), the ALJ finds that Ski Town has established that if proposed authority (as amended by this Decision) is granted, that Applicant would be authorized to serve a geographic territory, (Routt County) that overlaps with Ski Town's authorized service territory in Routt County. Based on the foregoing, the ALJ concludes that Ski Town has properly intervened as of right, per Rule 1401, 4 CCR 723-1.<sup>55</sup> As such, Ski Town is acknowledged as a party to this Proceeding.

### C. Prehearing Conference

40. To move this matter forward, and in anticipation of a hearing on the Third Amended Application, the ALJ is scheduling a remote prehearing conference per Rule 1409(a), 4 CCR 723-1. At the prehearing conference, an evidentiary hearing will be scheduled, and related procedural deadlines will be established (*e.g.*, deadlines to file exhibits, exhibit lists, and witness lists).

41. In addition to the above matters, the ALJ will address the manner or location in which the hearing will be held, that is, in-person, remote, or hybrid during the prehearing conference. If the hearing is held in-person (regardless of the location), all parties, witnesses and the ALJ will appear in person. If the hearing is fully remote, all parties, witnesses, and the ALJ will appear via videoconference via Zoom. This allows all participants to appear from a location

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<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 5.

<sup>54</sup> *Id.* at 9.

<sup>55</sup> The ALJ agrees with Tava that the proposed service type—call-and-demand shuttle service—overlaps with Tava's service type—call-and-demand taxi service.

of their choosing. Under the hybrid option, parties and witnesses may appear in person at a Commission hearing room in Denver or remotely by Zoom, and the ALJ will appear in person at a Commission hearing room in Denver, Colorado. The ALJ will only schedule a hybrid hearing if one or more party will appear in person.

42. The Commission strives to accommodate parties' requests to hold hearings in requested locations. Here, Tava asks that one hearing date be held in Woodland Park; Ski Town asks that one day of hearing be held in Steamboat Springs; and Applicant asks that the hearing be in Denver.<sup>56</sup>

43. For the reasons discussed, the ALJ is not inclined to hold hearings in numerous locations, particularly in these circumstances. Doing so creates challenges that range from finding several appropriate hearing locations, to being unable to accommodate witnesses and parties appearing remotely. Since this Proceeding involves many counties around the state, it is reasonable to anticipate that witnesses or parties may reside in locations far from Steamboat Springs, Woodland Park, or Denver. If the hearing is held in Denver, the ALJ can accommodate witnesses and parties appearing remotely (by videoconference) at the hearing, but due to technical limitations, the ALJ cannot accommodate witnesses and parties appearing remotely (by videoconference) when a hearing is held at a location other than Denver (such as Woodland Park or Steamboat Springs). As a result, setting in-person hearing dates in Steamboat Springs or Woodland Park may create hardships on other parties or witnesses. Given all of this, the Commission's busy hearing schedule, and the increased expense, time, and resources required to hold a hearing in such remote locations, if Tava and Ski Town still wish for the hearing to be held in their requested locations, they must establish good cause for this during the prehearing

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<sup>56</sup> Tava's Intervention at 8; Ski Town's Intervention at 9; Third Amended Application at 6.

conference. In so doing, they must explain why an in-person hearing in those locations is necessary given that they and their witnesses will be permitted to appear at the hearing remotely.

44. Other issues relevant to this Proceeding may be raised or addressed at the prehearing conference, including whether AEX and Home James have complied with this Decision and whether their updated Letters of Authority (if filed) continue to overlap with the proposed authority here.

45. Before the prehearing conference, the parties must confer with each other on the issues that will be addressed during the prehearing conference and must be prepared to address those issues during the prehearing conference. At minimum, the parties must confer on all issues discussed herein. When conferring on hearing dates, the parties should discuss the appropriate number of days for the hearing, and plan on a hearing being complete no later than March 4, 2025, unless Applicant waives the statutory deadline for a final Commission decision to issue per § 40-6-109.5(3), C.R.S. The parties are encouraged to review the Commission's Calendar of Events to identify available dates for the hearing, at the following link at <https://puc.colorado.gov/pucrules>.

46. 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.

47. 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.

48. *All parties are on notice* that failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, dismissing Interventions, and dismissing or granting the Third Amended Application. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

### **III. ORDER**

#### **A. It is Ordered That:**

1. A fully remote prehearing conference in this Proceeding is scheduled as follows:

DATE: November 14, 2024

TIME: 1:00 p.m.

PLACE: Join by videoconference using Zoom

2. 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.

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

4. The parties must confer with each other prior to the prehearing conference consistent with the above discussion.

5. Consistent with the above discussion, the proposed amendments to the requested authority via the Application filed October 11, 2024 (“Third Amended Application”) are granted.

6. The requested authority is amended as set forth in ¶ 22 above. The Third Amended Application is at issue in this Proceeding.

7. The proposed amendments to the requested authority via the Application filed September 26, 2024 are rejected as moot.

8. Sober Buddy Shuttle, LLC’s (“Sober Buddy”) “Notice of Intervention as of Right, or in the Alternative, Motion to Intervene . . . and Entry of Appearance” filed October 2, 2024 is deemed withdrawn consistent with its Notice of Conditional Withdrawal of Intervention filed October 2, 2024, as discussed. Sober Buddy is not a party to this Proceeding.

9. The Stipulated Motion to Restrictively Amend Application and Withdraw Intervention filed October 22, 2024 (“Stipulated Motion”) is granted, consistent with the above discussion.

10. The “Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance . . . and Request for a Hearing” that Red Willow, Inc., doing business as San Luis Valley Transportation (“Red Willow”) filed on September 19, 2024 is deemed withdrawn, consistent with the Stipulated Motion. Red Willow is not a party to this Proceeding.

11. Alpine Taxi/Limo, Inc., (“Alpine”), AEX, Inc., (“AEX”), San Miguel Mountain Ventures, LLC (“Mountain Ventures”), Wilderness Journeys Pagosa, Inc., (“Wilderness”), Home James Transportation Services, LTD (“Home James”), Tava Cab, LLC, doing business a Tava Cab

(“Tava”), and NDW Enterprises LLC, doing business as Ski Town Transportation (“Ski Town”) are acknowledged as interveners as of right, consistent with the above discussion. As such, in addition to MedRide LLC, the following entities are parties to this Proceeding: Alpine, AEX, Mountain Ventures, Wilderness, Home James, Tava, and Ski Town.

12. **No later than 5:00 p.m. on November 13, 2024**, AEX and Home James must file their most recently issued Letters of Authority. If the Commission did not issue more recent Letters of Authority to AEX and Home James than Exhibits B and E to the “Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance . . . and Request for a Hearing” filed September 30, 2024, they must make a filing stating this **n. o later than 5:00 p.m. on November 13, 2024**.

13. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

\_\_\_\_\_  
Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,  
Director