

Decision No. R24-0841-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0401BP

IN THE MATTER OF THE APPLICATION OF MEDRIDE, LLC FOR A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
SCHEDULING PREHEARING CONFERENCE AND
ADDRESSING OUTSTANDING MOTIONS**

Issued Date: November 19, 2024

I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision schedules a fully remote prehearing conference for December 10, 2024 at 1:00 p.m. and addresses the Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance and Request for Hearing (Intervention) that Tazco, Inc., doing business as Sunshine Taxi (“Tazco”) filed on November 6, 2024 and the Unopposed Motion for Extension of Time to Submit Exhibits and Witness Lists (Motion) filed on November 18, 2024.

B. Procedural History

2. On September 20, 2024, MedRide, LLC (“MedRide” or “Applicant”) initiated this Proceeding by filing the above-captioned Application (“original Application”).

3. On September 27, 2024, MedRide filed another Application amending the original Application (“Amended Application”).

4. On October 8, 2024, the Public Utilities Commission (“Commission”) provided public notice via Notice of Applications (“Notice”) of the Amended Application, established a 30-

day deadline for interested parties to intervene in this matter, and established deadlines for parties to file and serve exhibits, and witness and exhibit lists.¹

5. On November 6, 2024, Tazco filed its Intervention with a copy of its Letter of Authority.

6. On November 13, 2024, the Commission deemed the Amended Application complete and referred this matter to an administrative law judge (“ALJ”) for disposition.

7. On November 18, 2024, Application filed the Motion.

II. FINDINGS AND CONCLUSIONS

A. **Tazco’s Intervention**

8. Parties with a legally protected right that may be impacted by the proceeding (intervention of right) may intervene in proceedings such as this.² 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.³ 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.

¹ Notice of Applications Filed October 8, 2024.

² Rule 1401(f), of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1. See § 40-6-109(1)(a)(I), C.R.S.; and *RAM Broadcasting of Colo. Inc., v. Pub. Utilies. Comm’n*, 702 P.2d 746, 749 (Colo. 1985).

³ Rule 1401(f)(I), 4 CCR 723-1.

9. In support of its Intervention, Tazco asserts that it may intervene as of right because the proposed authority's service territory overlaps with the geographic area that Tazco is authorized to serve.⁴ Specifically, it states it is authorized to provide taxi and shuttle service between all points in Mesa County and between those points, and all points in Colorado.⁵ Tazco's Letter of Authority, included as Exhibit A to its Intervention, confirms this.⁶ Tazco states that it is willing to serve additional passengers seeking MedRide's services and that it would be harmed by the diversion of passengers and revenue if the authority is granted.⁷ Tazco asserts that it provides significant service to the passengers that MedRide seeks to serve and that granting the requested authority will undermine the service that Tazco provides.⁸ For these reasons, Tazco submits that it has legally protected rights and interests in this Proceeding that may be affected by this Proceeding's outcome, entitling it to intervene of right.⁹ Alternatively, Tazco seeks to permissively intervene.¹⁰ Tazco requests that the Amended Application be set for a hearing and denied.¹¹

10. Based on Tazco's Intervention and Letter of Authority (Exhibit A to its Intervention), the ALJ finds that Tazco has established that if proposed authority is granted, that MedRide would be authorized to serve a geographic territory or territories that overlaps with Tazco's authorized service territory. Based on the foregoing, Tazco's Intervention and its Letter of Authority, the ALJ concludes that Tazco has properly intervened as of right, per Rule 1401, 4 CCR 723-1. As such, Tazco is acknowledged as a party to this Proceeding.

⁴ Tazco's Intervention at 2.

⁵ *Id.*

⁶ Exhibit A to Tazco's Intervention at 1.

⁷ Tazco's Intervention at 2.

⁸ *Id.* at 3.

⁹ *See id.* at 2.

¹⁰ *Id.*

¹¹ *Id.* at 3.

B. Motion for Extension of Time

11. The Motion states that Tazco does not oppose the relief sought therein.¹² It notes that based on the Commission's Notice, the deadline for it to file exhibits and witness lists is November 18, 2024 and the deadline for Tazco to submit the same is November 27, 2024.¹³ The Motion states that Applicant requires more time to prepare its exhibits and witness lists, and requests that it be granted an extension of time through December 2, 2024, and that Tazco be similarly granted an extension of time through December 11, 2024.¹⁴

12. As an initial matter, because the Motion is unopposed, the ALJ finds good cause to waive the response time to it and does so.¹⁵ While the Commission routinely sets presumptive deadlines via the Notice that it issues, it is common practice that when an ALJ is assigned to a Proceeding, the ALJ sets an evidentiary hearing and establishes a new procedural schedule that accommodates the evidentiary hearing. This case is no different. As explained below, the ALJ is scheduling a prehearing conference to allow the parties to provide input on the hearing date and procedural schedule. For the reasons discussed, the deadlines to file exhibits and witness lists in the Notice are vacated as they apply to this Proceeding. A new procedural schedule will be established during the prehearing conference. Since the deadlines are vacated, there is no need to extend them; as such, the ALJ denies the Motion as moot.

C. Prehearing Conference

13. To move this matter forward, and in anticipation of a hearing on the 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

¹² Unopposed Motion at 1.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Rule 1400(b), 4 CCR 723-1.

procedural deadlines will be established (*e.g.*, deadlines to file exhibits, exhibit lists, witness lists, and statements of position).

14. During the prehearing conference, the ALJ will also address the manner or location in which the hearing will be held, that is, in-person, remote, or hybrid. If the hearing is held in-person, all parties, witnesses, and the ALJ will appear in person at a hearing room at the Commission's office in Denver, Colorado. If the hearing is fully remote, all parties, witnesses, and the ALJ will appear via videoconference using the web platform, Zoom. This allows all participants to appear from a location 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. The ALJ will only schedule a hybrid hearing if at least one party will appear in person.

15. Other issues relevant to this Proceeding may be raised or addressed at the prehearing conference.

16. 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 April 1, 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>.

17. 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.

18. 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.

19. *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 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. Consistent with the above discussion, Tazco, Inc., doing business as Sunshine Taxi ("Tazco") is acknowledged as a party to this Proceeding.

2. The deadlines for MedRide, LLC ("Applicant") and Tazco to file and serve exhibits and witness lists in the Commission's Notice of Applications (filed October 8, 2024) are vacated as they apply to this Proceeding.

3. The response time to Applicant’s Unopposed Motion for Extension of Time to Submit Exhibits and Witness Lists (Motion) filed on November 18, 2024 is waived and the Motion is denied as moot.

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

DATE: December 10, 2024

TIME: 1:00 p.m.

PLACE: Join by videoconference using Zoom

5. 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.

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

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

8. This Decision is effective immediately.

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director