

Decision No. R24-0842-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0387CP

IN THE MATTER OF THE APPLICATION OF CHARIOT TRANSPORTATION CO. FOR PERMANENT AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55977.

**INTERIM DECISION
ADDRESSING REPRESENTATION, PROVIDING
OPPORTUNITY FOR EACH PARTY TO FILE A
STATEMENT REGARDING HEARING, ESTABLISHING
PROCEDURAL SCHEDULE, AND PROVIDING FURTHER
INSTRUCTIONS**

Issued Date: November 19, 2024

I. STATEMENT

A. Background

1. On September 13, 2024, Chariot Transportation Co. (“Chariot Transportation”) filed the application described in the caption above (Application).

2. On September 16, 2024, the Commission issued public notice of the authority sought by Chariot Transportation in the Application as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service between all points in the County of Montrose, and between said points, on the one hand, and all points in the Counties of Delta, La Plata, Mesa, Ouray, and San Miguel, on the other hand.

3. On October 8, 2024, Tazco, Inc., doing business as Sunshine Taxi, (“Sunshine Taxi”) filed a Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance, and Request for Hearing.

4. On October 16, 2024: (a) Wilson Peak Limo LLC, doing business as Mountain Limo (“Mountain Limo”), filed a Notice of Intervention by Right, or Alternatively, Motion to Permissively Intervene, and Request for Hearing; and (b) Western Slope Rides LLC (“Western Slope Rides”) filed a Notice of Intervention by Right, Entry of Appearance, and Request for Hearing. Sunshine Taxi, Mountain Limo, and Western Slope Rides are hereinafter referred to collectively as “Intervenors.”

5. On October 17, 2024, Western Slope Rides filed an Amended Notice of Intervention by Right, Entry of Appearance, and Request for Hearing.

6. On October 23, 2024, the Commission deemed the Application complete and referred the proceeding by minute entry to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ.

B. Representation

1. Chariot Transportation

7. Non-attorney John Jacob Luna signed Chariot Transportation’s Application and stated therein that he is the President and an officer of Chariot Transportation and will represent the company in this proceeding. In the Application, Chariot Transportation states that: (a) it does not believe the amount in controversy in this proceeding exceeds \$ 15,000; and (b) Chariot Transportation does not have more than three owners.

8. Based on the foregoing, the undersigned ALJ finds and concludes that, under Rule 1201(a) of the Commission's Rules of Practice and Procedure and § 13-1-127, C.R.S., Chariot

Transportation has established that John Jacob Luna is permitted to represent Chariot Transportation in this proceeding. Chariot Transportation is on notice that it will be bound by, and held to, the same procedural and evidentiary rules that attorneys must follow. Chariot Transportation will not be held to a lesser standard because it has chosen not to have an attorney represent it in this proceeding.

2. Western Slope Rides

9. Non-attorney Andy Michelich signed Western Slope Rides' Intervention and stated therein that he is the "Owner/Operator" of Western Slope Rides and that Western Slope Rides is "currently not represented by legal counsel."

10. Commission Rule 1201(a) requires a party in a proceeding before the Commission to be represented by an attorney authorized to practice law in the State of Colorado.¹ However, an individual who is not an attorney may represent a company if three conditions are met: (a) the company does not have more than three owners; (b) the amount in controversy does not exceed \$15,000; and (c) the non-attorney individual seeking to represent the company provides satisfactory evidence demonstrating his or her authority to represent the company in the proceeding.² There is a presumption that a corporation's officers, a partnership's partners, a limited partnership's members, and persons authorized to manage a limited liability company have authority to represent the company in a proceeding.³ A written resolution from a company specifically authorizing the individual to represent the company's interests in the

¹ 4 *Code of Colorado Regulations* (CCR) 723-1-1201(a) of the Commission's Rules of Practice and Procedure.

² Rule 1201(b)(II), § 13-1-127(2) and (2.3)(c), C.R.S.

³ § 13-1-127(2) and (2.3)(c), C.R.S.

proceeding may also be relied upon as evidence of the individual's authority to represent the company.⁴

11. Here, Western Slope Rides must either obtain counsel or establish that Rule 1201 does not require it to be represented in this proceeding by an attorney currently in good standing before the Supreme Court of the State of Colorado. The deadline for counsel for Western Slope Rides to enter an appearance in this matter, or for Western Slope Rides to establish that Rule 1201 does not require them to be represented by legal counsel in this matter, is **December 12, 2024**. Western Slope Rides is advised that failure to either: (a) have legal counsel file an entry of appearance on its behalf; or (b) establish that Rule 1201 does not require it to be represented by an attorney in this proceeding, may result in dismissal of Western Slope Rides' Intervention.

12. Western Slope Rides is on notice that, if it chooses to be represented by a non-attorney in this proceeding, it will be bound by, and held to, the same procedural and evidentiary rules that attorneys must follow. Western Slope Rides will not be held to a lesser standard because it has chosen not to have an attorney represent it in this proceeding.

C. Statement Regarding Hearing

13. In the Application, Chariot Transportation requests a hearing in Montrose, which the ALJ interprets as a request for an in-person hearing in Montrose. Sunshine Taxi, Mountain Limo, and Western Slope Rides did not address the hearing in their interventions.

14. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party

⁴ § 13-1-127(3). C.R.S.

and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. The in-person part of a hybrid hearing must take place in one of the Commission's hearing rooms in Denver. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

15. Each party will be given the opportunity to file a Statement Regarding Hearing identifying the party's preference for an in-person, remote, or hybrid hearing. If a party prefers an in-person hearing, the party must identify its preferred location and provide an explanation of why the hearing should not take place in one of the Commission's hearing rooms in Denver. Any additional information supporting a request for a particular method of conducting the hearing (*e.g.*, remote, hybrid, or in-person) can be included in a Statement Regarding Hearing.

16. The deadline for the filing of the Statements Regarding Hearing will be **December 12, 2024**. The parties are on notice that the ALJ will retain discretion to choose and change the method by which the hearing will be conducted (*e.g.*, remote, hybrid, or in-person) and/or the location of the hearing.

D. Procedural Schedule

17. To facilitate the orderly and efficient litigation of this proceeding, the ALJ finds and concludes that a procedural schedule should be adopted, so that each party will have an opportunity prior to the hearing to review a summary of the anticipated testimony of each witness the other party intends to call at the hearing, and to review copies of the exhibits the other party will present at the hearing. Therefore, this Decision will order the parties to file, and to serve on each other, a list of witnesses, a summary of the testimony of each witness, and copies of the exhibits the filing party intends to present at the hearing.

18. On or before **January 10, 2025**, Chariot Transportation will be ordered to file and serve on Intervenor: (a) a list that identifies the witnesses Chariot Transportation intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Chariot Transportation intends to present at the hearing.

19. On or before **January 31, 2025**, Sunshine Taxi, Mountain Limo, and Western Slope Rides will each be ordered to file and serve on Chariot Transportation: (a) a list that identifies the witnesses each Intervenor intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits each Intervenor intends to present at the hearing.

20. As referenced in this Decision, serving a party with any document (e.g., witness and exhibit lists and exhibits) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the Commission's Rules of Practice and Procedure.⁵ The Commission's Rules (including Rule 1205) are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

21. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party (e.g., the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).⁶

⁵ 4 CCR 723-1.

⁶ See Rule 1205(e), 4 CCR 723-1.

22. All exhibits shall be identified by sequential numbers (e.g., Exhibit 1, Exhibit 2, and Exhibit 3). Each exhibit shall include the following information: (a) exhibit number; (b) proceeding number; (c) name of the witness who will testify to the exhibit's foundation; and (d) the date of the hearing. The parties shall work together to ensure that there are no overlaps in the numbering of the exhibits.

23. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

24. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

25. The parties are on notice that: (a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required herein; (b) failure to provide an accurate description of the anticipated testimony of a witness may also result in an order prohibiting such witness from testifying; and (c) any exhibit may not be received in evidence, except in rebuttal, unless filed and served as required herein.

E. Additional Advisements

26. The Parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the Parties to be familiar with and to comply with these rules. The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. The Notices of Intervention filed by Tazco, Inc., doing business as Sunshine Taxi, (“Sunshine Taxi”) on October 8, 2024, Wilson Peak Limo LLC, doing business as Mountain Limo (“Mountain Limo”) on October 16, 2024, and Western Slope Rides LLC (“Western Slope Rides”) on October 16, 2024 are acknowledged. Sunshine Taxi, Mountain Limo, and Western Slope Rides are hereinafter referred to collectively as “Intervenors.”

2. Chariot Transportation Co. (“Chariot Transportation”), Sunshine Taxi, Mountain Limo, and Western Slope Rides are the parties in this proceeding.

3. **On or before December 12, 2024**, Western Slope Rides must cause counsel to file an entry of appearance on its behalf, or establish that it is eligible to be represented by a non-attorney under Rule 1201, 4 Code of Colorado Regulations 723-1.

4. The deadline to file any Statement Regarding Hearing containing the information described above is **December 12, 2024**.

5. On or before **January 10, 2025**, Chariot Transportation shall file and serve on the Intervenors: (a) a list that identifies the witnesses Chariot Transportation intends to call at the hearing; (b) the last known address and telephone number of each witness; (c) a summary of the anticipated testimony of each witness; and (d) copies of the exhibits Chariot Transportation intends to present at the hearing.

6. On or before **January 31, 2025**, each Intervenor shall file and serve on Chariot Transportation: (a) a list that identifies the witnesses each Intervenor intends to call at the hearing; (b) the last known address and telephone number of each witness; (c) a summary of the

anticipated testimony of each witness; and (d) copies of the exhibits each Intervenor intends to present at the hearing.

7. 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

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

Rebecca E. White,
Director