

Decision No. R24-0942-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
FURTHER ADDRESSING REPRESENTATION,
SCHEDULING REMOTE HEARING, AND ESTABLISHING
DEADLINES**

Issued Date: December 24, 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.

7. On November 19, 2024, the ALJ issued Decision No. R24-0842-I that established a deadline of December 12, 2024 for: (a) Western Slope Rides to either have legal counsel file an entry of appearance on its behalf or establish that Rule 1201 of the Commission’s Rules of Civil Procedure¹ does not require it to be represented by an attorney in this proceeding; and (b) for any party to file a Statement Regarding Hearing specifying the type of hearing (in-person, remote, or hybrid) it prefers, the location of the hearing, and an explanation of why the hearing should not take place in one of the Commission’s hearing rooms in Denver if an alternate location is preferred.

8. On December 10, 2024, Western Slope Rides filed a document “request[ing] exemption of legal representation during hearings held to discuss the application in question.”

¹ 4 Code of Colorado Regulations (CCR) 723-1.

9. On December 12, 2024, Mountain Limo filed a Statement Regarding Hearing stating that it prefers a remote hearing “in the interest of administrative economy and avoiding undue travel time and expense.”

B. Representation

10. As noted, Decision No. R24-0842-I set December 12, 2024 as the deadline for Western Slope Rides to 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. Western Slope Rides’ response on December 10, 2024 did not comply with this directive. It did not include an entry of appearance from an attorney or establish that Rule 1201² does not require it to be represented in this proceeding by an attorney.

11. While Decision No. R24-0842-I stated that failure to comply with the foregoing order “may result in dismissal of Western Slope Rides’ Intervention,” the ALJ will give Western Slope Rides a final opportunity to comply. 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 it to be represented by legal counsel in this matter, is **January 10, 2025**. The ALJ directs Western Slope Rides to paragraph 10 in Decision No. R24-0842-I that identifies the requirements that must be established for a non-attorney to represent Western Slope Rides in this proceeding.

12. Western Slope Rides is advised again that failure to either: (a) have legal counsel file an entry of appearance on its behalf; or (b) establish that Rule 1201³ does not require it to be

² 4 CCR 723-1.

³ *Id.*

represented by an attorney in this proceeding by January 10, 2025, may result in dismissal of Western Slope Rides' Intervention.

C. Remote Hearing

13. As stated in Decision No. R24-0842-I, Chariot Transportation requested a hearing in Montrose in the Application. However, Chariot Transportation did not file a Statement Regarding Hearing identifying its preference for an in-person, remote, or hybrid hearing. Nor did it provide an explanation of why, if the hearing is held in-person, it should not take place in one of the Commission's hearing rooms in Denver.

14. As noted, Mountain Limo filed a Statement Regarding Hearing requesting a remote hearing "in the interest of administrative economy and avoiding undue travel time and expense." Mountain Limo's attorneys are located in Denver.

15. The ALJ will schedule the hearing in this proceeding on **February 28, 2025**. The hearing will be a remote hearing because the ALJ, the court reporter, and the attorneys for Mountain Limo and Sunshine Taxi are located in Denver. As a result, holding an in-person hearing in Montrose would be an inefficient use of resources given that the hearing can be held remotely.

16. Any party with a scheduling conflict must file a motion to reschedule the hearing by **December 31, 2024**. Before filing the motion, the filing party must confer with the other parties about whether any other party opposes the motion and the dates that all of the parties are available during February 13, 14, 17, and March 3, 4, 6, 2025. The motion to reschedule must: (a) state whether it is opposed or unopposed; (b) identify the dates that all of the parties are available for a remote hearing during the identified days; and (c) identify the number of days that the parties anticipate the remote hearing will take.

D. Additional Advisements

17. 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. A remote hearing is scheduled as follows:

DATE: February 28, 2025

TIME: 9:00 a.m. to 5:00 p.m.

WEBCAST: Commission Hearing Room

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge OR Commission Staff⁴

2. Nobody should attend the hearing in person.

3. The deadline to file any Motion to Reschedule Hearing is **December 31, 2024**.

4. **On or before January 10, 2025**, Western Slope Rides LLC 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 Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director