

Decision No. R25-0040-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0468CP

IN THE MATTER OF THE APPLICATION OF SLOPESIDE SHUTTLE SERVICE, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION ACKNOWLEDGING
INTERVENTIONS, ADOPTING PROCEDURAL
SCHEDULE, PROVIDING INSTRUCTIONS CONCERNING
EXHIBITS, AND SCHEDULING EVIDENTIARY HEARING**

Issued Date: January 21, 2025

I. STATEMENT

A. Procedural Background

1. On October 29, 2024, Slopeside Shuttle Service, LLC (“Slopeside Shuttle” or “Applicant”) initiated this matter by filing an Application for Permanent Authority to Operate as a Common Carrier by Motor Vehicle for Hire (“Application”), including an attachment.

2. On November 13, 2024, a Deficiency Letter was sent to Applicant from the Colorado Public Utilities Commission (“Commission”), stating that Applicant needed to amend their response to Item No. 10 of the Application by providing specific geographic boundaries to clarify the proposed geographic area of Applicant’s sought after authority. Applicant was given ten days after the date the Deficiency Letter was sent to file this requested amendment.

3. Applicant filed the requested amendment on November 18, 2024.

4. On November 18, 2024, the Commission provided public notice under § 40-6-108(2), C.R.S., of the Application, describing the authority sought here, 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 Counties of Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, El Paso, Grand, Jackson, Larimer, Moffat, Routt, Summit, and Weld, State of Colorado.¹

5. On November 20, 2024, Mountain Star Transportation LLC, doing business as Explorer Tours (“Explorer Tours”) timely filed its Petition for Intervention and Entry and Appearance (“Explorer Tours’ Intervention”), opposing the Application.

6. On November 21, 2024, NDW Enterprises LLC, doing business as Ski Town Transportation (“Ski Town Transportation”) timely filed its Notice of Intervention by Right and Alternate Petition for Leave to Intervene (“Ski Town Transportation’s Intervention”), opposing the Application.

7. On November 27, 2024, Alpine Taxi/Limo, Inc., Estes Park Charters Corp., and Home James Transportation Services, LTD (“Alpine Taxi,” “Estes Park Charters,” and “Home James”) timely filed their Notice of Intervention By Right, Alternative Motion for Intervention, Entry of Appearance of Alpine Taxi/Limo, Inc., Estes Park Charters Corp, and Home James Transportation Services, LTD and Request for a Hearing (“Alpine Taxi”, “Estes Park Charters”, and “Home James” respectively), opposing the Application.

8. On December 30, 2024, the Commission deemed the Application complete and referred the matter to an Administrative Law Judge (“ALJ”) by minute entry.

II. RELEVANT LAW, DISCUSSION, FINDINGS, AND CONCLUSIONS

A. Relevant Law

9. 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

¹ See Notice of Applications and Petitions, filed on November 18, 2024.

with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).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 A carrier’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.

10. The timely claimed interventions of right by Explorer Tours, Ski Town Transportation, Alpine Taxi, Estes Park Charters, and Home James are acknowledged.

B. Procedural Schedule

11. To move the Proceeding forward, the ALJ will adopt the following procedural schedule to govern this matter, as ordered below:

Procedural Event	Due Date(s)
Applicant’s witness list and exhibits	February 13, 2025
Intervenor’s witness list and exhibits	March 7, 2025
Hybrid Evidentiary Hearing	April 2, 2025

² 4 CCR 723-1401(b) and (c); 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).

³ Rule 1401(b) and (f)(I), 4 CCR 723-1.

12. Should any party find that an additional prehearing conference is needed for any reason, one may be scheduled at a later date.

C. Hybrid Evidentiary Hearing and Instructions Concerning Exhibits

13. The evidentiary hearing in this proceeding will be held as a hybrid hearing, accommodating participation by video-conference. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the hybrid hearing, which all parties must follow.

14. Given that the hearing will accommodate remote participation by video-conference, exhibits must be presented electronically.

15. The procedures developed for the hybrid evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video-conference allows parties and witnesses to view exhibits on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

16. The evidentiary hearing will be conducted in person and via video-conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the hybrid hearing. To minimize the potential that the hybrid hearing may be disrupted by non-participants, the link and meeting ID, or access code, to attend the hearing will be provided to the parties by email before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

17. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the hybrid

hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

18. In order to efficiently organize the numbering and preparations of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Applicant is assigned hearing exhibit numbers 100 to 199;
- Explorer Tours is assigned hearing exhibit numbers 200 to 299;
- Ski Town Transportation is assigned hearing exhibit numbers 300 to 399; and
- Alpine Taxi, Estes Park Charters, and Home James are assigned hearing exhibit numbers 400 to 499.

D. Additional Procedural Notices and Advisements

19. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

20. Additional procedural requirements may be addressed in future Interim Decisions.

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

22. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

E. Informational Video Conference Practice Session

23. The ALJ will hold an informal practice video conference session if requested by any Party to give the Parties an additional opportunity to practice using Zoom and box.com before the hearing.

24. The Parties may contact the Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal practice video conference session.

25. The Parties will receive information and a link to participate in the informal practice session by email.

III. ORDER**A. It Is Ordered That:**

1. The timely interventions of right filed by Mountain Star Transportation LLC, doing business as Explorer Tours (“Explorer Tours”), NDW Enterprises LLC, doing business as Ski Town Transportation (“Ski Town Transportation”), Alpine Taxi/Limo, Inc., Estes Park Charters Corp., and Home James Transportation Services, LTD (“Alpine Taxi,” “Estes Park Charters,” and “Home James” respectively) are acknowledged.

2. No later than **February 13, 2025**, Applicant shall file and serve: (a) a list that identifies the witnesses it intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits it will present at the hearing.

3. No later than **March 7, 2025**, Intervenors shall each file and serve: (a) a list that identifies the witnesses each intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits each will present at the hearing.

4. A hybrid evidentiary hearing in this proceeding is scheduled as follows:

DATE: April 2, 2025
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

METHOD: In-person and by video-conference using Zoom at the link to be provided to counsel and the parties via email prior to the hearing.

Optionally, any party may participate remotely by joining a video conference using Zoom at the link provided to the established parties in an email prior to the scheduled hearing, as addressed above.

5. The parties shall be held to and shall comply with the requirements in this Decision.

In addition to other requirements of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, all pre-filed exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

6. This Decision is effective immediately.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director