

Decision No. R25-0060-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0344CP-EXT

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

**INTERIM DECISION
RESTRICTIVELY AMENDING APPLICATION,
ACNOWLEDGING INTERVENTION WITHDRAWALS,
AND REQUIRING APPLICANT TO MAKE FILING BY
FEBRUARY 3, 2025**

Issued Date: January 28, 2025

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision approves the proposed restrictive amendments in the Second Stipulated Motion to Restrictively Amend Application and Withdraw Intervention filed January 15, 2025 (“Motion to Amend” or “Motion”); amends the above-captioned Application (“Application”) consistent with the changes proposed in the Motion to Amend; acknowledges that Tava Cab, LLC, doing business as Tava Cab (“Tava”) and NDW Enterprises LLC, doing business as Ski Town Transportation (“Ski Town”) withdraw their respective Interventions based on the approved restrictive amendments; and requires MedRide LLC (“Applicant” or “MedRide”) to make a filing by February 3, 2025 if the remaining parties agree that evidentiary hearing dates should be vacated.

B. Procedural History¹

2. On August 13, 2024, MedRide initiated this Proceeding by filing an Application seeking to extend operations under Certificate of Public Convenience and Necessity (“CPCN”) No. 55980.²

3. On October 16, 2024, the Commission referred this matter for disposition to an Administrative Law Judge (“ALJ”) by minute entry.

4. October 31, 2024, the ALJ approved MedRide’s pending restrictive amendments to the Application.³

5. In addition to MedRide, the following entities are parties to this Proceeding: Alpine Taxi/Limo, Inc.; AEX, Inc.; San Miguel Mountain Ventures, LLC; Wilderness Journeys Pagosa, Inc.; Home James Transportation Services, LTD; Tava; and Ski Town.⁴

6. On November 18, 2024, after holding a duly noticed prehearing conference at which all parties appeared, the ALJ scheduled a hybrid evidentiary hearing for February 18, 19, 20, 25 and 27, 2025 and established procedures and deadlines relating to that hearing.⁵

7. On January 15, 2025, MedRide filed the Motion to Amend.

II. FINDINGS AND CONCLUSIONS**A. Motion to Amend**

8. Tava and Ski Town join the Motion to Amend.⁶ The Motion seeks to exclude from the proposed authority transportation of passengers in call-and-demand shuttle services between all points in Routt and Teller Counties, State of Colorado, and between said points, on the one

¹ Only the procedural history necessary to understand this Decision is included.

² Application filed August 13, 2024.

³ Decision No. R24-0788-I at 6-7, 18 (issued October 31, 2024).

⁴ *Id.* at 18-19.

⁵ Decision No. R24-0839-I at 6-9 (issued November 18, 2024).

⁶ Motion to Amend at 1 and 5.

hand, and all points in the State of Colorado, on the other hand.⁷ The Motion also seeks to add that same language as restrictions on the proposed authority.⁸

9. The Motion to Amend states that Tava, Ski Town, and MedRide “have reached a settlement whereby both Tava Cab and Ski Town will withdraw their interventions in this proceeding” contingent upon the Commission approving the proposed restrictive amendments in the Motion.⁹

10. Given the closely approaching hearing, and the fact that the Motion seeks to restrictively amend the proposed authority, thereby narrowing the scope of the disputed issues, the ALJ finds good cause to waive the remaining response time to the Motion to Amend and does so.¹⁰

11. 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.

12. The Motion to Amend seeks to amend the Application by eliminating Routt and Teller Counties from the proposed authority’s service territory and including a restrictive

⁷ *Id.* at 3-4.

⁸ *See id.*

⁹ *Id.*

¹⁰ Rule 1400(b) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1. Indeed, given that all Interventions oppose the requested authority, and the Motion seeks to restrictively amend the requested authority, the ALJ finds that responses to the Motion are unnecessary.

amendment that affirmatively prohibits transportation in such territories.¹¹ The ALJ finds that the proposed changes are restrictive, clear, understandable, administratively enforceable, and otherwise meet the above requirements. For these reasons, the ALJ approves the Motion's proposed restrictive amendments to the requested authority.

13. These changes are made to the requested authority, as amended by Decision No. R24-0788-I, which uses a slightly different format to describe the requested authority than the description in the Motion to Amend.¹² Specifically, Decision No. R24-0788-I amends the requested authority 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, 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.¹³

14. Since the above language is the current requested authority, amendments are made to the above language. For reasons discussed, the authority requested by the Application is amended to seek permanent authority to extend operations under CPCN No. 55950 as follows:

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, San Juan, San Miguel, Sedgwick, Summit, Washington, and Yuma, and

¹¹ Motion to Amend at 3-4.

¹² The Motion to Amend continues to refer to the language in prior iterations of the Application that listed each county individually in its own paragraph rather than listing them in one paragraph as shown above. Motion to Amend at 3-4; 6-11. That format is unnecessarily lengthy and difficult to follow.

¹³ *Id.* at 6-7, 18.

between said points, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTIONS:

This authority is restricted against transportation of passengers in call-and-demand shuttle service between all points in the Counties of Routt and Teller, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.¹⁴

15. Any additional amendments to the requested authority will be to the above language.¹⁵

16. Because this Decision approves the restrictive amendments in the Motion to Amend, the conditions on the agreement for Tava and Ski Town to withdraw their Interventions are satisfied, rendering their Intervention withdrawals effective. For the reasons discussed, Tava and Ski Town's Interventions are deemed withdrawn and they are no longer parties to this Proceeding.

B. Applicant Must Make Filing about Hearing Dates

17. This matter is set for a hybrid evidentiary hearing for February 18, 19, 20, 25 and 27, 2025.¹⁶ Because Tava and Ski Town are no longer parties and Routt and Teller Counties are no longer at issue, it is possible that the remaining parties may require less time for the evidentiary hearing, which is scheduled for a full five days. As such, Applicant is required to confer with the remaining parties to determine whether hearing dates should be vacated, and if so, which dates should be vacated. If this conferral results in a consensus that dates should be vacated, Applicant must make a filing by February 3, 2025 indicating the results of its conferral and identifying the

¹⁴ Since the proposed authority does not include Routt and Teller Counties, this restriction is unnecessary as the authority already would not authorize service in those Counties and between those Counties, all points in the State of Colorado. However, given that Tava, Ski Town, and Applicant agreed to this restriction as a condition to Tava and Ski Town withdrawing their Interventions, the ALJ includes it.

¹⁵ Applicant should make note of this. This also means that the format for the requested authority that the Applicant used in prior iterations of the Application should not be referenced or used for future amendments.

¹⁶ Decision No. R24-0839-I at 6-7.

dates that should be vacated.¹⁷ If the parties do not wish to vacate any hearing dates, no such filing is required, and the hearing schedule will remain as is.

III. ORDER

A. **It Is Ordered That:**

1. The remaining response time to the Second Stipulated Motion to Restrictively Amend Application and Withdraw Intervention filed January 15, 2025 (“Motion to Amend”) is waived.

2. The proposed amendments to the requested authority in the Motion to Amend are approved, consistent with the above discussion. The Application is amended to seek the authority outlined in ¶ 14 above.

3. The Notice of Intervention by Right and Alternative Petition for Leave to Intervene filed October 3, 2024 by Tava Cab, LLC doing business a Tava Cab (“Tava”) and the Notice of Intervention by Right and Alternative Petition for Leave to Intervene filed October 3, 2024 by NDW Enterprises LLC, doing business a Ski Town Transportation (“Ski Town”) are deemed withdrawn, consistent with the above discussion. Tava and Ski Town are no longer parties to this Proceeding.

4. Based on the foregoing, the following entities are parties to this Proceeding: MedRide, LLC (“Applicant”); Alpine Taxi/Limo, Inc.; AEX, Inc.; San Miguel Mountain Ventures, LLC; Wilderness Journeys Pagosa, Inc.; and Home James Transportation Services, LTD.

5. Applicant must confer with the remaining parties to determine whether any of the currently scheduled evidentiary hearing dates should be vacated, and if so, which dates should be

¹⁷ Applicant is already required to make a filing by February 3, 2025 if no party plans to appear in person for the hearing. Decision No. R24-0839-I at 6-7. To streamline matters, Applicant may combine the filing required by this Decision with its filing indicating that no party will appear in person (if that is the case).

vacated. If this conferral results in a consensus that dates should be vacated, Applicant must make a filing on or by the close of business on **February 3, 2025** indicating the results of its conferral and identifying the dates that should be vacated. If the parties do not wish to vacate any hearing dates, no such filing is required, and the hearing schedule will remain as is.

6. 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

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

Rebecca E. White,
Director