

Decision No. R25-0061-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 24A-0446CP-EXT

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IN THE MATTER OF THE APPLICATION OF TAVA CAB LLC DOING BUSINESS AS TAVA CAB, TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55994.

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**INTERIM DECISION  
DENYING MOTION TO DISMISS; ADOPTING  
PROCEDURAL SCHEDULE AND SETTING  
EVIDENTIARY HEARING**

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Issued Date: January 27, 2025

**I. STATEMENT**

1. On October 16, 2024, Tava Cab LLC doing business as Tava Cab (“Tava Cab”) initiated the captioned proceeding by filing an application through its counsel seeking a Certificate of Public Necessity and Convenience to Operate as a Common Carrier by Motor Vehicle for Hire (“Application”) with the Colorado Public Utilities Commission (“Commission”).

2. On October 28, 2024, the Commission provided public notice of the application by publishing a summary of the same in its Notice of Applications Filed:

Currently, CPCN No. 55994 authorizes the following:

Transportation of passengers in call-and-demand taxi service:

between all points in Teller County, and between said points on the one hand, and all points in the Counties of Denver, Douglas, El Paso, Fremont, Park, and Pueblo, on the other hand.

Restriction:

This certificate is restricted against providing any taxi service that originates in El Paso County

If the extension is granted, CPCN No. 55994 will read:

1. Transportation of passengers in call-and-demand taxi service between all points in Teller County, and between said points on the one hand, and all points in the Counties of Denver, Douglas, El Paso, Fremont, Park, and Pueblo, on the other hand.

Restriction:

This portion of said certificate is restricted against providing any taxi service that originates in El Paso County.

2. Transportation of passengers in call-and-demand taxi service from Colorado Springs Peterson Field Airport, aka City of Colorado Springs Municipal Airport, 7770 Milton E. Proby Pkwy, Colorado Springs, El Paso County, CO 80916, on the one hand, to all points in Teller County, Colorado, on the other hand.

3. Transportation of passengers in call-and-demand taxi service from the communities of Cascade, Chipita Park, and Green Mountain Falls, including all points within one mile of the town limits of Cascade, Chipita Park, and Green Mountain Falls, all located in El Paso County, Colorado, on the one hand, to all points in Teller County, Colorado, on the other hand.

4. Transportation of passengers in call-and-demand shuttle service between Colorado Springs Peterson Field Airport, aka City of Colorado Springs Municipal Airport, 7770 Milton E. Proby Pkwy, Colorado Springs, El Paso County, CO 80916, on the one hand, and the communities of Cascade, Chipita Park, and Green Mountain Falls, including all points within one mile of the town limits of Cascade, Chipita Park, and Green Mountain Falls, all located in El Paso County, Colorado, on the other hand.

3. On November 27, 2024, Pikes Peak Cab LLC doing business as Pikes Peak Transport (“Pikes Peak”) filed its Petition for Intervention through Marcos Griego and Tamara Zvonkovich, the owners of Aspire. This filing attached Commission Authority No. 55884 held by Pikes Peak.

4. On December 11, 2024, the Commission deemed the application complete and referred it by minute entry to the undersigned Administrative Law Judge (“ALJ”) for disposition.

5. On December 24, 2024, by Decision No. R24-0943-I, a prehearing conference was scheduled for January 21, 2025.

6. On January 6, 2025, Pikes Peak filed its Request to Dismiss Application (“Motion to Dismiss”).

7. On January 21, 2025, Tava Cab filed its Motion to Strike Request to Dismiss Filed by Pikes Peak Cab LLC d/b/a Pikes Peak Transport and Alternate Response in Opposition Thereto and Motion for Attorney Fees (Response).

**II. MOTION TO DISMISS**

8. The Applicant titled its filing of January 21, 2025, as a Motion to Strike or in the alternative a Response. The Applicant argues that the filing should be rejected due to the failure of the Intervenor’s filing of January 6, 2025, to conform to the Commission’s Rules of Practice and Procedure.

9. The undersigned ALJ agrees that this filing does not conform with the Commission’s rules. The remedy would be to reject the filing and advise the Intervenor to re-file to meet the requirements.

10. The Intervenor is a self-represented party. The Intervenor is advised to familiarize itself with the Commission’s Rules of Practice and Procedure.

11. In order to save costs for all parties and continue this proceeding moving toward hearing, the undersigned will accept Pikes Peak’s filing and construe it as a motion to dismiss and treat the Applicant’s filing as a response.

**A. Pikes Peak’s Motion to Dismiss**

12. In its Motion to Dismiss, Pikes Peak argues that the above captioned proceeding should be dismissed due to the Applicant having filed two previous extensions in the past year

and for requesting call-and-demand taxi service within El Paso County without having or applying for a Large Market Taxi license.

**B. Response**

13. In its Response, Tava Cab argues that there is no rule or statute to prevent the Applicant from seeking to extend its authority multiple times per year and that the intervenor has not provided any authority to support this position.

14. Tava Cab also argues that the extension application does not request call-and-demand taxi service entirely within El Paso County. The only service that is requested to be entirely in El Paso County is call-and-demand shuttle service.

15. Finally, Tava Cab requests attorney fees for the expense of preparing and filing the Response.

**C. Discussion**

16. During the prehearing conference, the undersigned ALJ asked some clarifying questions concerning the authority requested in the application. Based on the answers received, the proposed authority does not request call-and-demand taxi service “within and between points” in El Paso County.

17. The Application also does not request call-and-demand taxi service from El Paso County to another of the counties that require Large Market Taxi license.

18. The Application does not request an authority that would require a Large Market Taxi license.

19. The undersigned ALJ agrees with Tava Cab that there is no restriction on the number of times an application to extend authority may be filed by a party in one year.

20. It is understandable that the Intervenor is frustrated with the number of times an extension has been filed in the past year, but under the law it is allowed. For the reasons stated above the Motion to Dismiss is denied.

21. The request for attorney fees by Tava Cab is denied.

### III. PROCEDURAL SCHEDULE

22. At the prehearing conference the parties agreed to the following procedural schedule:

On or before February 21, 2025, Tava Cab is ordered to file and serve on all intervenors: (a) a list that identifies the witnesses Tava Cab 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 Tava Cab will present at the hearing.

On or before March 7, 2025, all intervenors ordered to file and serve on Tava Cab: (a) a list that identifies the witnesses the 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 the Intervenor will present at the hearing.

23. An evidentiary hearing shall be held on March 18 and 19, 2025, commencing each day at 9:00 am.

24. 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. The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

25. 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).

**IV. UNIFIED NUMBERING SYSTEM FOR HEARING EXHIBITS**

26. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1.

27. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

28. To efficiently organize the numbering and preparation 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:

29. Tava Cab is assigned hearing exhibit numbers 100 to 199;

30. Pikes Peak is assigned hearing exhibit numbers 200 to 299;

**V. ADDITIONAL PROCEDURAL NOTICES AND ADVISEMENTS**

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

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

33. The parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties comply with these rules.

34. The rules are available on the Commission's website at <http://puc.colorado.gov/pucrules>, and in hard copy from the Commission.

35. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interest.

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

37. 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; (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.

**VI. INFORMATIONAL VIDEO CONFERENCE PRACTICE SESSION**

38. 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.

39. The Parties may contact the Commission Legal Assistants by email at [casey.federico@state.co.us](mailto:casey.federico@state.co.us) or [stephanie.kunkel@state.co.us](mailto:stephanie.kunkel@state.co.us) to schedule an informal practice video conference session.

40. If the Parties request a practice video conference, they will receive information and a link to participate in the informal practice session by email.

**VII. ADDITIONAL ADVISEMENTS**

41. 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 at <https://puc.colorado.gov/pucrules> and in hard copy from the Commission.

**VIII. ORDER**

**A. It Is Ordered That:**

1. The Request to Dismiss Application filed on January 6, 2025, by Pikes Peak Cab LLC doing business as Pikes Peak Transport, is denied.

2. The request for attorney fees by Tava Cab LLC doing business as Tava Cab is denied.

3. The procedural schedule as stated above is adopted.

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

DATE: March 18 & 19, 2025

TIME: 9:00 a.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 shall be held to the advisements in this Decision.

8. This Decision is effective immediately.

(SEAL)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

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Administrative Law Judge

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

Rebecca E. White,  
Director