

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0532CP

IN THE MATTER OF THE APPLICATION OF COLORADO YETI TOURS LLC DOING BUSINESS AS COLORADO YETI TOURS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
ACKNOWLEDGING INTERVENTIONS, PERMITTING
NON-ATTORNEY REPRESENTATION, SCHEDULING
REMOTE HEARING, AND ESTABLISHING DEADLINES**

Issued Date: February 14, 2025

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

1. On December 5, 2024, Colorado Yeti Tours LLC doing business as Colorado Yeti Tours (“Yeti”) filed the application described in the caption above. Yeti filed an amendment to question 10 on the Application on December 12, 2024 (“Application”).

2. On December 16, 2024, the Commission issued public notice of the authority sought by Yeti 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 sightseeing service between all points in the Counties of El Paso, Fremont, and Teller. This application is restricted as follows: all tours will originate and terminate from the same location in El Paso County.

3. On December 23, 2024, Colorado Jeep and Off Road Tours, Inc. (“Colorado Jeep”) filed a Petition for Intervention and Entry of Appearance (“Colorado Jeep Intervention”), including its Letter of Authority. Colorado Jeep claimed intervention of right.

Colorado Jeep also sought to be represented in this proceeding by its non-attorney president and owner, William Colon.¹ The Administrative Law Judge (“ALJ”) acknowledges Colorado Jeep’s intervention of right.

4. On January 15, 2025, Marketing Services Inc. of Pueblo (“Marketing Services”) filed an Entry of Appearance and Petition for Intervention, including its Letter of Authority. Marketing Services claimed intervention of right. Marketing Services also sought to be represented in this proceeding by its non-attorney president, Greg Wellens. The ALJ acknowledges Marketing Services’ intervention of right.

5. On January 22, 2025, the Commission deemed the Application complete and referred the proceeding by minute entry to an ALJ.

6. On January 24, 2025, Fortis Law Partners LLC entered its appearance in this proceeding on behalf of Yeti. Yeti’s request to be represented in this proceeding by a non-attorney representative is now moot.

7. On January 24, 2025, Yeti filed exhibits and its witness list.

8. On February 4, 2025, Marketing Services filed its witness list.

9. On February 6, 2025, Colorado Jeep filed its witness list.

II. REPRESENTATION BY NON-ATTORNEYS

10. Generally, entities appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.² However, an individual may appear without an attorney on behalf of a company after establishing the company’s eligibility to be represented by

¹ See Colorado Jeep Intervention at 2.

² Rule 1201(a), 4 CCR 723-1.

a non-attorney.³ To be eligible to be represented by a non-attorney, all the below conditions must be met:

- The company must not have more than three owners;
- The amount in controversy must not exceed \$15,000; and
- The non-attorney individual seeking to represent the company must provide the Commission with satisfactory evidence demonstrating that person's authority to represent the company in the proceeding.⁴

11. Colorado law presumes 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 the proceeding.⁵ A written resolution from a company specifically authorizing the individual to represent the company's interests in the proceeding may also be relied upon as evidence of the individual's authority to represent the company.⁶

A. Colorado Jeep

12. In its Intervention, Colorado Jeep stated that it is a closely-held entity that has no more than three owners; that the amount in controversy does not exceed \$15,000; and that it wished that William Colon be allowed to represent Colorado Jeep in this proceeding.⁷

13. Colorado Jeep has provided information indicating that it meets the three criteria required for its non-attorney president and owner to represent Colorado Jeep in this proceeding.

14. Based on the foregoing and the record as a whole, the ALJ finds that Colorado Jeep meets the requirements of Rule 1201(b)(II), 4 CCR 723-1 and § 13-1-127, C.R.S., to be represented by a non-attorney, William Colon, in this proceeding and will permit him to do so.

³ Rule 1201(b)(II), 4 CCR 723-1 and § 13-1-127, C.R.S.

⁴ *Id.*

⁵ § 13-1-127(2) and (2.3)(c), C.R.S.

⁶ § 13-1-127(3), C.R.S.

⁷ *See* Colorado Jeep Intervention at 2.

B. Marketing Services

15. In its Intervention, Marketing Services stated that it is a closely-held entity that has no more than three owners; that the amount in controversy does not exceed \$15,000; and that it wished that its non-attorney president Greg Wellens be allowed to represent Marketing Services in this proceeding.⁸

16. Marketing Services has provided information indicating that it meets the three criteria required for its non-attorney president to represent Marketing Services in this proceeding.

17. Based on the foregoing and the record as a whole, the ALJ finds that Marketing Services meets the requirements of Rule 1201(b)(II), 4 CCR 723-1 and § 13-1-127, C.R.S., to be represented by its non-attorney president Greg Wellens, in this proceeding and will permit him to do so.

III. REMOTE HEARING

18. Based on the flexibility it affords the parties and their witnesses, the evidentiary hearing in this matter will be held in a remote format. A remote hearing is where the parties and ALJ appear remotely. The hearing will be scheduled for **May 7, 2025**, at 9:00 a.m. as ordered below. A webcast of the proceedings will be available to the public through the Commission's website.

19. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

20. The procedures developed for the remote 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

⁸ See Marketing Services Intervention at 2-3.

witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

21. The remote evidentiary hearing will be conducted 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 remote 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 approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

22. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this proceeding. Given that the hearing will require remote participation by video conference, exhibits must be presented electronically.

23. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.⁹ As such, it is essential that the parties ensure they can access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

⁹ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

24. 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, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

25. 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.

26. 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:

- Yeti is assigned hearing exhibit numbers 100 to 199;
- Colorado Jeep is assigned hearing exhibit numbers 200 to 299; and
- Marketing Services is assigned hearing exhibit numbers 300-399.

27. Yeti must file and/or supplement a list of the witnesses it intends to call during the hearing and file a copy of the exhibits it intends to use as evidence during the hearing (marked with hearing numbers in the block described above) by **April 9, 2025**.

28. Colorado Jeep must file and/or supplement a list of witnesses it intends to call during the hearing and to file a copy of the exhibits it intends to use during the hearing (marked with hearing numbers in the block described above) by **April 30, 2025**.

29. Marketing Services must file and/or supplement a list of witnesses it intends to call during the hearing and to file a copy of the exhibits it intends to use during the hearing (marked with hearing numbers in the block described above) by **April 30, 2025**.

IV. ADDITIONAL ADVISEMENTS

30. 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.

V. ORDER

A. It Is Ordered That:

1. The request of Colorado Yeti Tours LLC doing business as Colorado Yeti Tours (“Yeti”) to be represented in this proceeding by a non-attorney representative is denied as moot, without prejudice.¹⁰

2. The ALJ acknowledges Colorado Jeep and Off Road Tours, Inc.’s (“Colorado Jeep”) December 23, 2024, intervention of right. Non-attorney William Colon is allowed represent Colorado Jeep in this proceeding.

3. The ALJ acknowledges Marketing Services Inc. of Pueblo’s (“Marketing Services”) January 15, 2025, intervention of right. Non-attorney Greg Wellens is allowed to represent Marketing Services in this proceeding.

¹⁰ Should Yeti not be represented by counsel for any reason, Yeti can file the request again.

4. A remote evidentiary hearing is scheduled as follows:

DATE: May 7, 2025

TIME: 9:00 a.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 Staff¹¹

5. Nobody should attend the hearing in person at the Commission's offices.

6. Yeti must file a list of the witnesses it intends to call during the hearing and file a copy of the exhibits it intends to use as evidence during the hearing (marked with hearing numbers in the block described above) by **April 9, 2025**.

7. Colorado Jeep Tours must file a list of the witnesses it intends to call during the hearing and file a copy of the exhibits it intends to use as evidence during the hearing (marked with hearing numbers in the block described above) by **April 30, 2025**.

8. Marketing Services Tours must file a list of the witnesses it intends to call during the hearing and file a copy of the exhibits it intends to use as evidence during the hearing (marked with hearing numbers in the block described above) by **April 30, 2025**.

¹¹ 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>.

9. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director