

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
VACATING HEARING AND DEADLINES, REQUIRING
FILING, AND DENYING THIRD MOTION TO AMEND**

Issued Date: February 21, 2025

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I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision vacates the fully remote evidentiary hearing scheduled for February 25 and 27, 2025 and any remaining procedural deadlines relating to that hearing; waives the response time to the Third Stipulated Motion to Restrictively Amend Application and Withdraw Intervention filed February 14, 2025 (“Third Motion” or “Third Motion to Amend”);

denies the Third Motion; and requires MedRide LLC (“Applicant” or “MedRide”) to confer with the parties and make a filing as detailed herein by March 7, 2025.

B. Procedural History¹

2. On August 13, 2024, MedRide initiated this Proceeding by filing the above-captioned Application seeking to extend operations under Certificate of Public Convenience and Necessity (“CPCN”) No. 55980 (“Application”).²

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

4. On October 31, 2024, the ALJ approved MedRide’s pending restrictive amendments to the Application, and acknowledged that the Interventions filed by Red Willow, Inc., doing business as San Luis Valley Transportation and Sober Buddy Shuttle, LLC are withdrawn based on the approved restrictive amendments.³

5. 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.⁴

6. On January 15, 2025, MedRide filed a Second Stipulated Motion to Restrictively Amend Application and Withdraw Intervention (“Second Motion to Amend”).

7. On January 28, 2025, the ALJ approved the amendments consistent with the Second Motion to Amend; acknowledged that the Interventions filed by Tava Cab, LLC, doing business as Tava Cab and NDW Enterprises LLC, doing business as Ski Town Transportation are withdrawn; and required MedRide to make a filing by February 3, 2025 if the remaining parties agree that

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

evidentiary hearing dates should be vacated.⁵ With the amendments approved on January 28, 2025, the Application currently seeks 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 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.⁶

8. On February 3, 2025, MedRide filed its “Notice Regarding Conferral and Vacating Certain Hearing Dates” (“Notice”).

9. On February 6, 2025, based on the Notice, the ALJ vacated three evidentiary hearing dates (February 18 to 20, 2025) and converted the remaining dates (February 25 and 27, 2025) to a fully remote hearing.⁷

10. In addition to MedRide, as of this Decision’s issuance, the following entities are parties to this Proceeding: Alpine Taxi/Limo, Inc.; AEX, Inc.; San Miguel Mountain Ventures, LLC; Wilderness Journeys Pagosa, Inc.; and Home James Transportation Services, LTD (collectively, “Intervenors”).⁸

⁵ Decision No. R25-0060-I at 6-7 (issued January 28, 2025).

⁶ *Id.* at 4-5. The Decision amending the Application made it clear that any additional amendments to the requested authority will be to the above language. *Id.* at 5.

⁷ Decision No. R25-0084-I (issued February 6, 2025).

⁸ *Id.*; Decision No. R24-0788-I at 18-19.

11. On February 14, 2025, Applicant, Interveners, and Gisdho Shuttle, Inc., doing business as Telluride Express, Wild West Tours, and/or Montrose Express (“Telluride Express”) jointly filed the Third Motion to Amend.

12. Telluride Express never filed a motion to intervene in this matter, and as a result, is not and never has been a party to this Proceeding.

II. FINDINGS AND CONCLUSIONS

A. **Third Motion to Amend**

13. Given the closely approaching evidentiary hearing, the ALJ finds good cause to waive the remaining response time to the Third Motion and does so.⁹

14. The Third Motion states that it is filed on behalf of Applicant, Interveners, and a non-party, Telluride Express.¹⁰ The Third Motion quotes Telluride Express’ authority in detail, and seeks to amend the proposed authority to avoid duplicating or overlapping Telluride Express’ authority, even though Telluride Express is not a party to this Proceeding.¹¹ The Third Motion quotes Interveners’ authorities and seeks to restrictively amend the proposed authority to avoid duplicating or overlapping their authorities.¹²

15. The Third Motion states that if the amendments proposed therein are approved, Interveners and Telluride Express withdraw their Interventions.¹³ The Third Motion asks that the Commission “approve the amended and restated Section 10(a) and Section 10(b) of the Application, as set forth verbatim in Exhibit A to this Third Motion . . .”¹⁴ Exhibit A includes the

⁹ See Rule 1400(b) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

¹⁰ Third Motion at 1 and 12.

¹¹ *Id.* at 6-8, 10.

¹² *Id.* at 3-6, 8-10.

¹³ *Id.* at 10.

¹⁴ *Id.* at 10.

following language for the proposed authority, and states that suggested changes are italicized:

Call-and-demand shuttle service between all points in the Counties of ¹ (I) Baca, (II) Chaffee, (III) Cheyenne, (IV) Clear Creek, (V) Crowley, (VI) Custer, (VII) Delta, (VIII) Dolores, (IX) Eagle, (X) Elbert, (XI) Fremont, (XII) Garfield, (XIII) Gilpin, (XIV) Grand, (XV) Gunnison, (XVI) Hinsdale, (XVII) Huerfano, (XVIII) Jackson, (XIX) Kiowa, (XX) Kit Carson, (XXI) La Plata, (XXII) Lake, (XXIII) Las Animas, (XXIV) Lincoln, (XXV) Logan,² (XXVI) Montezuma, (XXVII) Montrose, (XXVIII) Morgan, (XXIX) Otero, (XXX) Ouray, (XXXI) Phillips, (XXXII) Pitkin, (XXXIII) Prowers, (XXXIV) San Juan, (XXXV) San Miguel, (XXXVI) Sedgwick, (XXXVII) Summit, (XXXVIII) Washington, and (XXXIX) Yuma, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

- (b) Restrictions to the proposed authority, if applicable:
- (1) *Item (IX) in Section 10(a) is restricted against providing call-and-demand shuttle service originating 5-mile radius of the intersection of Colorado State Highway No. 131 and the Colorado River at or near State Bridge, Colorado and terminating in Moffat County or Routt County.*
 - (2) *Item (XIV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points in the area described as follows: beginning at the point where the Counties of Grand, Jackson, and Routt intersect; thence east 5 1/2 miles to a point; thence north 6 miles to a point; thence west 5 1/2 miles to a point; thence south along the Routt/Jackson County boundary to the point of beginning; and between said points, on the one hand, and the Yampa Valley Regional Airport, Steamboat Springs Airport, and Timbers Resort area, on the other hand.*
 - (3) *Item (XIV) in Section 10(a) is restricted against providing call-and-demand shuttle service originating within a 5-mile radius of the intersection of U.S. Highway No. 40 and Colorado State Highway No. 9 at Kremmling, Colorado and terminating in Moffat County or Routt County.*
 - (4) *Item (XIV) in Section 10(a) is restricted against providing call-and-demand shuttle service between Denver International Airport and all points in Kremmling, Colorado.*
 - (5) *Item (XIV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, Colorado, on the one hand, and all points in Rocky Mountain National Park that are located in Grand County, Colorado, on the other hand.*

- (6) *Item (XIV) in Section 10(a) is restricted against providing roundtrip, same-day call-and-demand shuttle service originating and terminating at all points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, Colorado, on the one hand, with intermediate stops on the other hand comprising (x) The Isle of Capri Hotel and Casino, Black Hawk, Colorado; (y) The Summit Stage Park and Ride, Frisco, Colorado, located one block west of the intersection of Colorado Highway 91 and Interstate 70; and the Copper Mountain Free Shuttle bus stop at the skiers parking lot, located on Colorado Highway 91 one-half mile south of the intersection of Colorado Highway 91 and Interstate 70; and (z) The Vail Transportation Center, Vail, Colorado.*
- (7) *Item (XIV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points in Grand County, on one hand, and all points in Denver, Colorado, as the same exists on May 2, 2001, on the other hand, including any intermediate points comprising Idaho Springs, Colorado; Empire, Colorado; and the Conoco Station and the Texaco Station at or near the intersection of Interstate 70 and Kipling Street in Wheat Ridge, Colorado.*
- (8) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points within a 10-mile radius of the intersection of Elk Avenue and Colorado State Highway 135 in Crested Butte, Colorado, and between said points, on the one hand, and on the other hand, the following: (a) all points in Gunnison County; (b) all points within a 10-mile radius of Colfax Avenue and Broadway in Denver, Colorado; (c) all points within a 10-mile radius of Mill and Main Streets in Aspen, Colorado; (d) all points within a 10-mile radius of Nevada Avenue and Cache La Poudre Street in Colorado Springs, Colorado; and (e) all points within a 10-mile radius of U.S. Highway 50 and Colorado State Highway 789 in Montrose, Colorado.*
- (9) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points located within a 5-mile radius of the intersection of U.S. Highway 50 and Colorado State Highway 135 in Gunnison, Colorado.*
- (10) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between Gunnison, Colorado, on the one hand, and Grand Junction and Montrose, Colorado, on the other hand.*
- (11) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between Crested Butte, Colorado, and Mount Crested Butte, Colorado, on the one hand, and all points located within a 2-mile radius of the intersection of U.S. Highway 50 and Colorado Highway No. 135 in Gunnison, Colorado, on the other hand.*

- (12) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between Crested Butte, Colorado, on the one hand, and Mount Crested Butte, Colorado and the Crested Butte Airport located approximately 3 miles southwest of Crested Butte, Colorado, on the other hand.*
- (13) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between Mount Crested Butte, Colorado, on the one hand, and the Crested Butte Airport located approximately 3 miles southwest of Crested Butte, Colorado, on the other hand.*
- (14) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points in Gunnison County, on the one hand, and points within a 1-mile radius of Denver International Airport, on the other hand.*
- (15) *Item (XV) in Section 10(a) is restricted against providing call-and-demand shuttle service between points within a 5-mile radius of Main Street and Tomichi Avenue in Gunnison, Colorado, on the one hand, and points within a 5-mile radius of the intersection of Colorado State Highway 135 and Elk Avenue in Crested Butte, Colorado, on the other hand, via Colorado State Highway 135; serving all intermediate and off-route points within 2 miles of said route.*
- (16) *Item (XVIII) in Section 10(a) is restricted against providing service between all points in the area described as follows: beginning at the point where the Counties of Grand, Jackson, and Routt intersect; thence east 5 1/2 miles to a point; thence north 6 miles to a point; thence west 5 1/2 miles to a point; thence south along the Routt/Jackson County boundary to the point of beginning; and between said points, on the one hand, and the Yampa Valley Regional Airport, Steamboat Springs Airport, and Timbers Resort area, on the other hand.*
- (17) *Item (XXXV) in Section 10(a) is restricted against providing call-and-demand shuttle service between all points located within that portion of San Miguel County lying within a 10-mile radius of Telluride, Colorado, and between said points, on the one hand, and all points within the State of Colorado, on the other hand.*
- (18) *Item (XXXVII) in Section 10(a) is restricted against providing service between Denver International Airport and all points in Silverthorne, Colorado.*
- (19) *Additionally, MedRide is restricted against providing the following service:*

Transportation of passengers in call-and-demand shuttle service between all points in Archuleta County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Alamosa County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Conejos County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Costilla County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Mineral County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Moffat County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Rio Blanco County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Rio Grande County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle services between all points in Routt County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle service between all points in Saguache County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Transportation of passengers in call-and-demand shuttle services between all points in Teller County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Call-and-demand shuttle service between all points within a 100-mile radius of the United States Post Office in Telluride, Colorado unless such

service (s) originates in Archuleta County; (t) is provided between points within Montrose County, on the one hand, and on the other hand, all points within the Hinsdale County or that portion of Gunnison County within a 100-mile radius of the United States Post Office in Telluride, Colorado; (u) is provided from points in San Juan County to points in Montrose County; (v) is provided between Gunnison, Colorado and Crested Butte, Colorado; (w) is provided to, from, or between points located within a ten-mile radius of the intersection of Elk Avenue and Colorado State Highway 135 in Crested Butte, Colorado; (x) is provided to, from, or between points in Aspen and Snowmass, Colorado; (y) pick-ups or discharges passengers in Montrose County, other than at the Montrose County Airport and/or the Montrose County Bus Terminal; and (z) is provided to, from, or between points in San Juan, Archuleta, and La Plata Counties, Colorado. Any of the foregoing exceptions to this restriction will not apply to the extent that another restriction in this Application overlaps with any such exception.

Service to passengers other than that related to transporting passengers for medical reasons.

*Service to passengers to and from any airports in the State of Colorado.*¹⁵

16. The Third Motion fails to propose changes to the language in the current proposed authority, contrary to the ALJ's direction on this.¹⁶ Indeed, the Third Motion appears to assert that certain language exists in the current proposed authority that does not exist.¹⁷ This has makes it more difficult to decipher the proposed changes. What is more, the proposed amendments are

¹⁵ *Id.* at 13-17. Exhibit A is part of and consecutively page-numbered with the Third Motion. *Id.* As such, citations to Exhibit A are to the relevant page number(s) in the Third Motion. The above quote omits the text of footnotes 1 and 2, which merely indicate that Archuleta and Moffat Counties are removed from the proposed service territories. *Id.* at 13.

¹⁶ *See* Decision No. R25-0060-I at 4-5, fn. 12 and 15 (noting that the proposed amendments continue to use language from prior iterations of the Application rather than using the then-current proposed authority and advising that additional amendments will be made to the current proposed authority).

¹⁷ *See id.* at 13-17. The Third Motion states that proposed changes are italicized, so this should mean that if language is not italicized, it already exists in the current proposed authority. *See id.* at 13. Such is not the case. For example, the Third Motion implies (by failing to italicize) that the current proposed authority includes affirmative language restricting MedRide from providing service in Alamosa, Conejos, Costilla, Mineral, Rio Blanco, Rio Grande, and Saguache Counties. *Id.* at 16. Other examples include language prohibiting Applicant from serving Routt and Teller Counties in two separate paragraphs even though the current language provides for this in one concise paragraph and adding unitalicized roman numerals in front of each identified county in the proposed service territory. *Compare id.* at 13-17 with current language, quoted in ¶ 7 above and in Decision No. R25-0060-I at ¶ 14.

needlessly complex, lengthy, confusing, and include unnecessary and ambiguous language.¹⁸ The ALJ will not approve language fitting into these categories, despite the parties' request that the proposed changes be approved "verbatim."¹⁹ Indeed, for changes to be accepted, they must be clear, understandable, and administratively enforceable (in addition to restrictive in nature).

17. As noted, the Third Motion asserts that certain changes are advanced to resolve disputes with Telluride Express. Given that Telluride Express is not a party and never has been, there is no dispute involving Telluride Express. Applicant and Interveners' error in including Telluride Express as a party whose objections Applicant seeks to resolve through the proposed changes is concerning and raises questions about whether Applicant mistakenly proposed certain changes.²⁰

18. All of this raises concerns with the relief sought in the Third Motion. Those issues must be resolved before the ALJ will approve amendments to the proposed authority. To address these issues and expeditiously move this matter toward a resolution without imposing changes that the parties may not have intended, this Decision provides language for potential changes to the proposed authority that could be approved. The below language is intended to clarify and simplify the proposed authority; eliminate unnecessary, vague and confusing language; and conform the format of the proposed authority to the current proposed authority. As implied, the language also represents the ALJ's understanding and construction of the parties' intended changes to the current proposed authority, which may or may not be accurate.

¹⁸ For example, the Third Motion proposes to include language referencing "Section 10(a)" but this appears to be a reference to Section 10(a) in the Application. *See* Third Motion at 13-17 and Sections 10(a) in Applications filed August 13, 2024, August 29, 2024, September 26, 2024, and October 11, 2024. Including such language in the authority would create confusion given that there is no Section 10(a) in the proposed authority.

¹⁹ Third Motion at 10.

²⁰ The ALJ cannot begin to speculate which changes, if any, were prompted by Applicant's mistaken belief that Telluride Express is a party. Thus, the ALJ makes no attempt to modify proposed language for this reason.

19. The parties are directed to review and consider the below language that may be used to amend the proposed authority. The Application would seek permanent authority to extend operations under CPCN No. 55950 as follows:²¹

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

RESTRICTIONS:

- (I) This authority is restricted against service: ~~transportation of passengers in call and demand shuttle service~~
- a. between all points in the Counties of Archuleta, Alamosa, Conejos, Costilla, Mineral, Moffat, Rio Blanco, Rio Grande, Routt, Saguache, and Teller, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand;
 - b. to or from any airports in the State of Colorado;²² and
 - c. between all points within a 100-mile radius of the United States Post Office in Telluride, Colorado unless such service: (i) originates in Archuleta County; (ii) is provided between points within Montrose County, on the one hand, and on the other hand, all points within the Hinsdale County or that portion of Gunnison County within a 100-mile radius of the United States Post Office in Telluride, Colorado; (iii) is provided from points in San Juan County to points in Montrose County; (iv) is provided between Gunnison, Colorado and Crested Butte, Colorado; (v) is provided to, from, or between points located within a ten-mile radius of the intersection of Elk Avenue and Colorado State Highway 135 in Crested Butte, Colorado; (vi) is provided to, from, or between points in Aspen and Snowmass, Colorado;

²¹ As compared to the current proposed authority, deleted language is stricken and added language is underlined. This does not highlight changes as compared to those suggested in the Third Motion.

²² Based on the totality of the proposed changes in the Third Motion, the ALJ modified the proposed language from “to **and** from any airports” to “to **or** from any airports.” See Third Motion at 17 (emphasis added). These changes clarify that one-way service to or from an airport is prohibited, which appears to be the parties’ intent. The proposed language can be read to only prohibit roundtrip service (to and from) a Colorado airport. If this was the parties’ intent, they are invited to clarify this in the filing this Decision requires.

(vii) picks up or discharges passengers in Montrose County; or²³
(viii) is provided to, from, or between points in San Juan,
Archuleta, and La Plata Counties, Colorado.

- (II) As to service in and between Eagle County, Colorado and all points in the state of Colorado, on the other hand, this authority is restricted against transportation originating within a 5-mile radius of the intersection of Colorado State Highway No. 131 and the Colorado River at or near State Bridge, Colorado and terminating in Moffat County or Routt County.
- (III) As to service in and between Grand County, Colorado and all points in the state of Colorado, on the other hand, this authority is restricted against:
- a. transportation between all points within the following area: beginning at the point where the Counties of Grand, Jackson, and Routt intersect; thence east 5 1/2 miles to a point; thence north 6 miles to a point; thence west 5 1/2 miles to a point; thence south along the Routt/Jackson County boundary to the point of beginning; and between said points, on the one hand, and the Timbers Resort area, on the other hand;
 - b. transportation originating within a 5-mile radius of the intersection of U.S. Highway 40 and Colorado State Highway 9 at Kremmling, Colorado and terminating in Moffat or Routt Counties, Colorado;
 - c. transportation between all points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S.

²³ The ALJ modifies the proposed language from “and” to “or” because “and” signifies that all the listed conditions must exist for service within the described area to be authorized. *Compare* Third Motion at 17 with above (emphasis added). The suggested language creates confusion and does not appear to be the intended result. Indeed, item (i) would require service to originate in Archuleta County while items (iii), and (v) to (viii) require service to be “from” points in other locations or “pick-ups” in other locations, which imply numerous potential authorized origination points. The ALJ also did not include the following proposed language, “[a]ny of the foregoing exceptions to this restriction will not apply to the extent that another restriction in this Application overlaps with any such exception.” Third Motion at 17. This language imports uncertainty as to what is and is not restricted. If the parties wish to address this, they must do so with specificity so that it is apparent from the plain language of the authority what is and is not restricted. Similarly, as explained below, the ALJ also does not include the following language in (vii) “. . . other than at the Montrose County Airport and/or the Montrose County Bus Terminal.” This language is confusing and unclear. To the extent that this is intended to reiterate the ban against transportation to or from airports, the language unnecessarily duplicates the broader restriction against service to or from Colorado airports. The Third Motion does not propose to restrict service to or from the Montrose County Bus Terminal and it is unclear whether the proposed language is intended to do so. Assuming that it is, the language is inherently difficult to understand because it is among a list of exceptions to a restriction but appears to be an exception to an exception. The parties can do better. If the parties wish to include a restriction relating to the Montrose County Bus Terminal, they must propose concise and understandable language so that it is apparent from the plain language of the authority what is and is not restricted.

Highway 40 in Winter Park, Colorado, on the one hand, and all points in Rocky Mountain National Park that are located in Grand County, Colorado, on the other hand;

- d. roundtrip, same-day transportation originating and terminating at points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, Colorado, on the one hand, and the following locations, on the other hand: (i) The Isle of Capri Hotel and Casino, Black Hawk, Colorado; (ii) The Summit Stage Park and Ride, Frisco, Colorado, located one block west of the intersection of Colorado Highway 91 and Interstate 70; and the Copper Mountain Free Shuttle bus stop at the skiers parking lot, located on Colorado Highway 91 one-half mile south of the intersection of Colorado Highway 91 and Interstate 70; and (iii) The Vail Transportation Center, Vail, Colorado; and
- e. transportation between all points in Grand County, on one hand, and all points in Denver, Colorado,²⁴ on the other hand, including any intermediate points comprising Idaho Springs, Colorado; Empire, Colorado; and the Conoco and Texaco Stations at or near the intersection of Interstate 70 and Kipling Street in Wheat Ridge, Colorado.

(IV) As to service in and between Gunnison County, Colorado and all points in the state of Colorado, on the other hand, this authority is restricted against transportation:

- a. between all points within a 10-mile radius of the intersection of Elk Avenue and Colorado State Highway 135 in Crested Butte, Colorado, and between said points, on the one hand, and on the other hand: (i) all points in Gunnison County; (ii) all points within a 10-mile radius of Colfax Avenue and Broadway in Denver, Colorado; (iii) all points within a 10-mile radius of Mill and Main Streets in Aspen, Colorado; (iv) all points within a 10-mile radius of Nevada Avenue and Cache La Poudre Street in Colorado Springs, Colorado; and (v) all points within a 10-mile radius of U.S. Highway 50 and Colorado State Highway 789 in Montrose, Colorado;
- b. between all points located within a 5-mile radius of the intersection of U.S. Highway 50 and Colorado State Highway

²⁴ The ALJ did not include the proposed language limiting this restriction to service in Denver “as the same existed on May 2, 2001.” Third Motion at 14. It is not possible to determine the scope of this restriction without resorting to an outside document, such as an official map of Denver’s boundaries as of May 2, 2001. If the parties wish to include such a restriction, they must propose concise and understandable language that allows a person to discern the restriction by reading the permit, without resorting to other documents.

135 in Gunnison, Colorado;

- c. between Gunnison, Colorado, on the one hand, and Grand Junction and Montrose, Colorado, on the other hand;
- d. between both²⁵ Crested Butte, Colorado and Mount Crested Butte, Colorado, on the one hand, and all points located within a 2-mile radius of the intersection of U.S. Highway 50 and Colorado Highway No. 135 in Gunnison, Colorado, on the other hand;
- e. between all points in Gunnison County, on the one hand, and points within a 1-mile radius of Denver International Airport, on the other hand; and
- f. between points within a 5-mile radius of Main Street and Tomichi Avenue in Gunnison, Colorado, on the one hand, and points within a 5-mile radius of the intersection of Colorado State Highway 135 and Elk Avenue in Crested Butte, Colorado, on the other hand, via Colorado State Highway 135, including²⁶ all intermediate and off-route points within 2 miles of said route.

(V) As to service in and between Jackson County, Colorado and all points in the state of Colorado, on the other hand, this authority is restricted against transportation between all points: beginning at the point where the Counties of Grand, Jackson, and Routt intersect; thence east 5 1/2 miles to a point; thence north 6 miles to a point; thence west 5 1/2 miles to a point; thence south along the Routt and Jackson County boundary to the point of beginning; and between said points, on the one hand, and the Timbers Resort area, on the other hand;

(VI) As to service in and between San Miguel County, Colorado and all points in the state of Colorado, on the other hand, this authority is restricted against transportation between all points located within the portion of San Miguel County that is within a 10-mile radius of Telluride, Colorado, and between said points, on the one hand, and all points within the State of Colorado, on the other hand.

²⁵ While this language closely mirrors what the parties proposed, the ALJ added the word “both” to clarify that the language prohibits transportation from Crested Butte and separately from Mount Crested Butte to the identified area. The language does not prohibit transportation between Crested Butte and Mount Crested Butte. If the ALJ has not correctly understood the parties’ intent, they must suggest unambiguous, concise, understandable, and enforceable language in the required filing. Of course, if Mount Crested Butte is within Crested Butte’s boundaries, the reference to “Mount Crested Butte” would be entirely unnecessary.

²⁶ The ALJ replaced “serving” with “including,” as this appears more consistent with the parties’ intent. In addition, in this context using “serving” creates confusion.

20. The ALJ does not include language capturing numerous proposed restrictions against service to or from specific airports in Colorado.²⁷ Such restrictions are unnecessary given the broad restriction incorporated in (I)(c) above that prohibits all service to or from any airports in Colorado. That said, the ALJ acknowledges that at least some of the proposed language relating to airport transportation may still be necessary if the ALJ has misconstrued its meaning.²⁸

21. The ALJ also does not include language capturing the proposed restriction that would require all transportation to be for medical reasons.²⁹ This proposed restriction raises enforcement issues. For one, it would require an enforcement authority to determine whether a passenger is being transported for medical reasons. This may require some level of intrusion into passengers' personal and private medical conditions, history, or treatment. More importantly, the Third Motion does not define "medical reasons" or explain the contours of this proposed restriction, which potentially could be the broadest restriction in the authority. Indeed, it is unclear whether "medical reasons" would include medical conditions that make it difficult or impossible for passengers to drive themselves, whether transportation would be limited to transporting passengers to and from medical appointments, or something else entirely. Even if the intent is to transport passengers to and from medical appointments, this would also raise questions about what is considered a medical appointment. For example, it would need to be clear whether this covers appointments relating to a health concern, issue, condition, or testing. For example, it would need

²⁷ See Third Motion at 15 (item 18).

²⁸ For example, item (12) in the Third Motion seeks to prohibit service "between Crested Butte, Colorado, on the one hand, and Mount Crested Butte, Colorado and the Crested Butte Airport located approximately 3 miles southwest of Crested Butte, Colorado, on the other hand." Third Motion at 15. The ALJ construes this as prohibiting service between Crested Butte and the Crested Butte Airport, and separately between Mount Crested Butte and the Crested Butte Airport. The language does not prohibit transportation between Crested Butte and Mount Crested Butte. Because there is a broader restriction against any transportation to or from a Colorado airport, this language was excluded. But, if the ALJ's construction is not consistent with the parties' intent, the parties are encouraged to suggest unambiguous language that clarifies this.

²⁹ Third Motion at 17 (suggesting service be restricted "other than related to transporting passengers for medical reasons.").

to be clear whether such a restriction includes appointments with persons or entities who may not be traditionally considered part of the medical field, such as a masseuse or acupuncturist providing treatment to persons suffering from back or neck conditions; whether this includes transportation to or from locations where a health concern, issue, condition, or test may be involved. This merely highlights the many different interpretations of “medical reasons” that could be read into the proposed language. What is more, the language may result in unintended consequences, such as precluding Applicant from transporting caregivers escorting persons in their care *even when* they are being transported for medical reasons, among many other possible outcomes. Although the ALJ is dubious that all these issues concerning transportation for “medical reasons” can be adequately addressed through different language, if the parties wish to pursue this restriction, they must offer clear, concise, understandable, and enforceable language that aligns with their intent, including a definition of “medical reasons.”

22. While this Decision specifically identifies some modifications to proposed changes in the Third Motion, it does not detail all changes the ALJ made to the language proposed in the Third Motion.³⁰ As a result, *it is incumbent on Applicant and Interveners to carefully review* the language in ¶ 19 and to address any or all changes that they deem necessary in the filing that this Decision requires.

23. For the reasons discussed, Applicant is required to confer with Interveners and make a filing indicating whether Applicant and Interveners agree to the potential changes to the authority outlined in ¶ 19 above, and if so, whether Interveners withdraw their Interventions if such changes are approved. If the parties agree to the language in ¶ 19, the ALJ will amend the

³⁰ It is not practicable to do so given that many changes relate to formatting or include minor adjustments to improve clarity.

proposed authority accordingly, and decide the Application without an evidentiary hearing.³¹

24. If Applicant and Interveners do not agree to the language outlined above, in their filing, they must concisely identify the language to be modified; include clear and concise proposed changes; and in so doing, address the many issues and concerns discussed above relating to such language (*e.g.*, no definition of “medical reasons”). Applicant and Interveners must suggest changes (if any) to the language in ¶ 19 by working from the language in ¶ 19 above as the starting point. They may not ignore the language and start over with all new language. This is necessary because many changes to the proposed authority in ¶ 19 are intended to correct, clarify, simplify, streamline, and address concerns with the Third Motion’s proposed changes. Unless Applicant and Intervener work from the language in ¶ 19 when proposing changes, it is likely that their proposed changes will again suffer from many of the same issues the ALJ sought to address through the language in ¶ 19.

25. If the parties believe it will be useful, in their filing, they may request that a hearing be scheduled to review changes that they wish to make to the proposed authority. The ALJ will set a hearing should she agree with the parties that this will be helpful based on the parties’ suggested changes in their filing. This does not alleviate the parties from suggesting language, should they disagree with any of the language in ¶ 19 above.

B. Hearing and Remaining Deadlines

26. Given that the Third Motion proposes to restrictively amend the authority to address the Interveners’ objections, the ALJ finds that there is a high likelihood that the disputes with Interveners will be resolved once the proposed changes are clarified, confirmed, and approved. If this happens, the Application may be decided without an evidentiary hearing as there will be no

³¹ See § 40-6-109(5), C.R.S., and Rule 1403, 4 CCR 723-1.

disputes to litigate.³² As a result, the ALJ finds good cause to vacate the evidentiary hearing scheduled for February 25 and 27, 2025 and does so.³³ This promotes administrative economy and conserves the parties' resources.

III. ORDER

A. It Is Ordered That:

1. The fully remote evidentiary hearing scheduled for February 25 and 27, 2025 is vacated. Any remaining procedural deadlines relating to the hearing are also vacated.

2. The remaining response time to the Third Stipulated Motion to Restrictively Amend Application and Withdraw Intervention filed February 14, 2025 ("Third Motion") is waived.

3. For the reasons discussed, the Third Motion is denied.

4. MedRide LLC ("Applicant") must confer with Alpine Taxi/Limo, Inc., AEX, Inc., San Miguel Mountain Ventures, LLC, Wilderness Journeys Pagosa, Inc., and Home James Transportation Services, LTD (collectively, "Interveners") about the potential changes to the proposed authority outlined in ¶ 19 above.

5. **On or by 5:00 p.m. on March 7, 2025**, Applicant must make a filing indicating the results of the required conferral, including any potential changes to the language in ¶ 19 above, consistent with the requirements in ¶¶ 23 and 24. This filing must indicate whether Commission approval of the language in ¶ 19 above or other language that Applicant and Interveners propose in their filing (if any) resolves their disputes and will result in Interveners withdrawing their Interventions. If Applicant and Interveners do not agree that the Application should be amended as set forth in ¶ 19, in the required filing, they must concisely identify the specific language in ¶

³² See § 40-6-109(5), C.R.S., and Rule 1403, 4 CCR 723-1.

³³ On February 18, 2025, the undersigned's legal assistant informed the parties via email that the hearing would be vacated as a courtesy so that the parties do not unnecessarily expend resources preparing for the hearing before this Decision could issue.

19 to be modified; include clear and concise proposed changes; address the many issues and concerns discussed herein relating to such language, as applicable; and present those changes as being made to the language in ¶ 19 above.

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