

Decision No. R25-0205-I

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

PROCEEDING NO. 24A-0468CP

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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.

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**RECOMMENDED DECISION DISMISSING APPLICATION  
WITHOUT PREJUDICE; VACATING EVIDENTIARY  
HEARING; AND CLOSING PROCEEDING**

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Issued Date: March 25, 2025

**I. STATEMENT**

1. On October 29, 2024, Slopeside Shuttle Service, LLC (“Applicant”) filed its Application for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire.

2. On November 18, 2024, Applicant amended the proposed geographic area to be served as follows:

The following counties: Moffat, Routt, Jackson, Larimer, Weld, Grand, Boulder, Eagle, Summit, Clear Creek, Denver, Adams, Arapahoe, Douglas, El Paso.

3. The Commission gave notice of the application on November 18, 2024.

As originally noticed, the application sought the following authority:

A Certificate of Public Convenience and Necessity 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.

4. On November 20, 2024, Mountain Star Transportation LLC dba Explorer Tours (“Explorer Tours”) timely claimed intervention by right.

5. On November 21, 2024, NDW Enterprises LLC doing business as Ski Town Transportation (“Ski Town”) timely claimed intervention by right.

6. 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 claimed intervention by right.

7. On or before December 28, 2024, Applicant was required to file and serve its list of witnesses and copies of its exhibits in support of the Application.

8. Even though Applicant’s deadline for filing lists of witnesses and copies of exhibits passed and no such information was filed, the undersigned adopted a new procedural schedule to govern this proceeding. By Decision No. R25-0040-I, issued January 21, 2025, a procedural schedule was adopted, and a hearing was scheduled in this matter to be held on April 2, 2025.

9. No later than February 13, 2025, Applicant was ordered to 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.

10. Applicant failed to file and serve the required disclosures regarding the list of witnesses and copies of exhibits as required by the notice and Decision No. R25-0040-I.

11. On March 24, 2025, Ski Town filed its Motion to Vacate Hearing and for Additional Relief. Ski Town argues that no showing of public need has been shown whatsoever;

Applicant failed to respond to discovery; and no activity from Applicant has occurred since this application was noticed by the Commission. It further argues that the proceeding cannot possibly go to hearing as scheduled.

12. On March 7, 2025, Ski Town, Alpine Taxi, Estes Park Charters, and Home James all filed their respective lists of witnesses and copies of exhibits.

13. Applicant's failure to comply with the procedural order prejudices the intervenors' ability to adequately prepare for hearing.

14. Ski Town has failed to prosecute the application by failing to comply with requirements stated in the Notice as well as ordered by Decision No. R25-0040-I. As a result, Applicant will be unable to meet its burden of proof.

15. In light of the close proximity to the scheduled hearing, Ski Town's course of conduct, and no response having been filed prior to issuance of this Recommended Decision, response time will be shortened, and the Application will be dismissed without prejudice.

16. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

## **II. ORDER**

### **A. The Commission Orders That:**

1. Response time to the Motion to Vacate Hearing and for Additional Relief filed by NDW Enterprises LLC doing business as Ski Town Transportation ("Ski Town") on March 24, 2025, is shortened to issuance of this Recommended Decision and the motion is granted.

2. 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 is dismissed without prejudice.<sup>1</sup>

3. The evidentiary hearing scheduled in this matter for April 2, 2025, is vacated.

4. This Proceeding is now closed.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-106, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the recommended decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse a basic finding of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge; and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

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<sup>1</sup> Dismissal without prejudice means that the Applicant may file another application at any time.

7. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(SEAL)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. HARRIS ADAMS

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director