

Decision No. R25-0490-I

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

PROCEEDING NO. 25F-0178CP

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ROMAN LYSENKO,

COMPLAINANT,

V.

DTR OPERATIONS, LLC DOING BUSINESS AS ROCKY MOUNTAIN EVENT SHUTTLES,

RESPONDENT.

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**INTERIM DECISION DENYING MOTION TO DISMISS,  
SETTING ANSWER DEADLINE, SETTING PREHEARING  
CONFERENCE, AND CONTINUING JULY 14 HEARING**

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Issued Date: June 30, 2025

**I. STATEMENT AND PROCEDURAL BACKGROUND**

1. This decision denies Respondent’s motion to dismiss, sets an answer deadline, sets a prehearing conference, and continues the hearing to a later date (to be determined at the prehearing conference).

2. On April 25, 2025, Roman Lysenko (“Complainant”) initiated this matter by filing a Complaint with the Public Utilities Commission (“PUC” or “Commission”) against DTR Operations, LLC doing business as Rocky Mountain Event Shuttles (“Respondent”).

3. On April 29, 2025, the Commission set this matter for hearing on July 14, 2025. On that same date, the Commission ordered Respondent to satisfy the Complaint or file an answer within 20 days. On May 14, 2025, the PUC referred this matter by minute entry to an Administrative Law Judge (“ALJ”) for disposition.

4. On May 19, 2025, Respondent, through counsel, filed a Motion to Dismiss.

5. Complainant did not file a response to the Motion to Dismiss.

## **II. DISCUSSION AND FINDINGS**

### **A. Motion to Dismiss**

6. Respondent argues that the ALJ should dismiss the Complaint because Complainant failed to state a claim upon which relief can be granted under Colorado Rule of Civil Procedure (“CRCP”) 12(b)(5), and because Complainant failed to join an indispensable party pursuant to CRCP 12(b)(6).<sup>1</sup> Specifically, Respondent alleges that Complainant lacks standing to file the Complaint and has not established that Complainant was injured by Respondent’s alleged violations.<sup>2</sup> To support these arguments, Respondent cites Rule 1302(a), 4 *Colorado Code of Regulations* (“CCR”) 723-1, which says a Complainant must adequately advise the Respondent and the Commission of the “statute [or] rule...alleged to have been violated.” Respondent claims that “there is nothing within the Complaint that comes close to specifying any particular facts concerning any specific actions or inaction of Respondent that have allegedly caused Claimant harm, as an individual.”<sup>3</sup>

7. Respondent also argues that Complainant did not establish any causal relationship between the violations Complainant alleges Respondent committed and Complainant’s personal

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<sup>1</sup> See Motion to Dismiss, p. 2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at p. 3.

interests.<sup>4</sup> Finally, Respondent argues that Complainant failed to establish how his authority is derived from the Commission, thereby failing to state a claim upon which relief can be granted.<sup>5</sup>

## **B. Analysis and Findings**

8. Under § 40-10.1-101(10), C.R.S., a motor carrier is defined to include “any person owning, controlling, operating, or managing a motor vehicle that provides transportation in intrastate commerce pursuant to [article 10.1 of title 40 of the Colorado Revised Statutes].” All common, contract, and motor carriers are affected with a public interest and are subject to Commission regulation.<sup>6</sup> Further, under § 40-10.1-112(2), C.R.S.:

Any person may file a complaint against a motor carrier for a violation of this article or a rule adopted under this article. The complainant may request any relief that the commission, in its authority, may grant, including an order to cease and desist, suspension or revocation of the motor carrier's certificate or permit, or assessment of civil penalties. Upon proof of violation, the commission may issue an order to cease and desist, suspend or revoke the motor carrier's certificate or permit, assess civil penalties as provided in article 7 of this title, or take any other action within the commission's authority. In assessing civil penalties under this subsection (2), the commission is not constrained by the procedural requirements of section 40-7-116.

9. The relevant statute does not require that a complainant allege how a respondent's actions harmed a complainant. Nor does the statute require that a complainant identify a redressable injury-in-fact that arises from a respondent's actions. Rather, the statute allows **any** person to file a complaint when a respondent is alleged to have violated a Commission rule or statute. Consequently, Complainant is explicitly authorized to file a complaint against Respondent for alleged violations of Commission rules and statutes and has standing to do so.

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> §§ 40-10.1-103(1) and (2), C.R.S.

10. The Complainant alleges that Respondent advertises and sells shuttle tickets to customers in Colorado without any Commission permit or authority.<sup>7</sup> Such activities are regulated by the Commission.<sup>8</sup> Accordingly, Complainant has set forth with sufficient specificity Respondent's alleged violations and has identified its claims for relief. Respondent's Motion to Dismiss will be denied.

### **III. RESPONDENT'S ANSWER AND PREHEARING CONFERENCE**

11. To date, Respondent has not filed an Answer to the Complaint.

12. The ALJ will order Respondent to file an Answer no later than **July 14, 2025**.

13. The ALJ will continue the currently scheduled July 14, 2025 hearing and conduct a prehearing conference on **July 31, 2025 at 11:00 a.m.** to set a new hearing date and discuss related procedural deadlines. The ALJ will direct the parties to identify multiple dates in August and September 2025 that work for them to conduct the hearing.

### **IV. ORDER**

#### **It Is Ordered That:**

1. DTR Operations, LLC doing business as Rocky Mountain Event Shuttles' ("Respondent's") Motion to Dismiss is denied.

2. Respondent must file an Answer to the Complainant Roman Lysenko's April 25, 2025 Complaint ("Complaint") by July 14, 2025.

3. The July 14, 2025 hearing is continued.

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<sup>7</sup> See Complaint, ¶¶ 4-24.

<sup>8</sup> See § 40-10.1-103(1) and (2), C.R.S.

4. A prehearing conference in this proceeding is scheduled as follows:

DATE: July 31, 2025

TIME: 11:00 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. At the prehearing conference, the parties will be prepared to offer hearing dates in August and September, 2025.

8. The parties will be held to the advisements in this Decision.

9. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

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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