

Decision No. R25-0696-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0319CP-EXT

IN THE MATTER OF THE APPLICATION OF 303 PARTY BUS LLC FOR AUTHORITY TO
EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY NO. 55846

**INTERIM DECISION
ADDRESSING INTERVENTION,
SCHEDULING EVIDENTIARY HEARING, AND
ESTABLISHING DEADLINES AND PROCEDURES**

Issued Date: September 26, 2025

TABLE OF CONTENTS

I.	STATEMENT, SUMMARY, AND PROCEDURAL HISTORY	2
A.	Statement and Summary	2
B.	Procedural History	2
II.	FINDINGS, ANALYSIS, AND CONCLUSIONS	3
A.	Intervention.....	3
B.	Legal Representation	6
C.	Evidentiary Hearing.....	8
D.	Advisements	10
III.	ORDER.....	13
A.	It Is Ordered That:	13

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision addresses Epic Charter LLC’s (“Epic”) Petition for Intervention and Entry of Appearance filed July 31, 2025 (“Intervention”); schedules a fully remote evidentiary hearing on the above-captioned Application (“Application”) for December 16, 2025; establishes a procedural schedule and procedures to facilitate that hearing; and sets an October 15, 2025 deadline to object to the schedule and procedures, among other matters.

B. Procedural History

2. On July 24, 2025, Applicant 303 Party Bus LLC (“Applicant”) initiated this Proceeding by filing the above-captioned Application with supporting documents. The Application seeks to extend Applicant’s Certificate of Public Convenience and Necessity (“CPCN”) No. 55846 so that it has authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in scheduled service between Recess Beer Garden, 2715 17th Street, Denver, Colorado and Lakeview Lounge, 2375 Sheridan Boulevard, Edgewater, Colorado, on the one hand, and Red Rocks Park and Amphitheater (“Red Rocks”), 18300 West Alameda Parkway, Morrison, Colorado, on the other hand, restricted to using vehicles with a seating capacity of 16 to 48 seats.¹

3. On July 28, 2025, the Public Utilities Commission (“Commission”) provided public notice of the Application, per § 40-6-108(2), C.R.S., and set a 30-day intervention deadline²

4. On July 31, 2025, Epic filed its Intervention.

¹ Application at 3. See Notice of Applications filed July 28, 2025 (“Notice”) at 2.

² Notice at 2.

5. On August 26, 2025, Applicant filed a Motion to Dismiss Intervention (“Motion”), twice, with attachments.³

6. On August 29, 2025, Epic filed a “Response to 303 Party Bus, LLC’s Motion to Dismiss (or Strike) Intervention (“Response”).

7. On September 3, 2025, the Commission deemed the Application complete and referred this matter by minute entry to an administrative law judge (“ALJ”) for disposition during its weekly meeting.

II. FINDINGS, ANALYSIS, AND CONCLUSIONS

A. Intervention

8. To intervene of right in a proceeding such as this, an intervention must: include a copy of the common carrier’s letter of authority; show that the carrier’s authority is in good standing; identify the specific parts of the authority that are in conflict with the application; and explain the consequences to the carrier and the public interest if the application is granted.⁴ An intervener’s letter of authority provides the basis for the legally protected right which an intervener claims may be impacted by the proceeding. Thus, when determining whether an intervention of right is appropriate, it is important to determine whether the intervener’s letter of authority shows that it has the right to operate in a manner that may be impacted by an application’s requested authority.

9. Epic asserts that it may intervene of right because the proposed authority overlaps with its CPCN, PUC No. 56012.⁵ Specifically, Epic explains that it has authority to provide

³ The two Motions to Dismiss are identical, and as such, citations and references to the same are to either Motions.

⁴ Rule 1401(f), of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1. *See* § 40-6-109(a), C.R.S.; and *RAM Broadcasting of Colo. Inc., v. Pub. Utils. Comm’n*, 702 P.2d 746, 749 (Colo. 1985).

⁵ Intervention at 2.

scheduled service between Denver County and Red Rocks shuttle service (among other things) between all points in Denver County on the one hand, and Red Rocks.⁶ Epic's Letter of Authority (filed with its Intervention) confirms this.⁷ Because its authority overlaps with the proposed authority, Epic argues that it has a legally protected right in the subject of this Proceeding which will be impacted if the Application is granted.⁸ Epic also asserts that it is willing and able to provide the services proposed in the Application and can handle a substantially greater volume of traffic; that granting the Application will divert traffic from it; that Epic has sufficient equipment and capacity to meet the public's need; that granting the Application will wastefully duplicate its services and endanger its investments; and that there is no unmet need for the authority sought here.⁹

10. In response, Applicant argues that Epic's Intervention should be dismissed because Epic is not operating its scheduled service to Red Rocks; it is not possible to book a single seat with Epic for scheduled service to Red Rocks; Epic has failed to comply with Rule 6209 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and Epic's scheduled service appears to be "purely an action to prevent the public from receiving scheduled service" from Denver County to Red Rocks.¹⁰

11. Epic responds by explaining that Rule 1401 allows an intervention of right when the proceeding's outcome may substantially impact an intervenor's pecuniary or tangible interests, and that whether the public needs additional service or whether existing service is reasonably adequate are merits questions for the record.¹¹ Epic reiterates that its PUC No. 56012 authorizes it

⁶ *Id.*

⁷ *Id.* at 5.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ Motion at 1-2.

¹¹ Response at 1.

to provide scheduled service that overlaps the “very corridors” that Applicant seeks to serve, which, alone, satisfies Rule 1401’s requirements to intervention of right.¹² Epic disputes Applicant’s factual assertions about its scheduled service, noting that the allegations are immaterial to party status, and if relevant at all, belong in the evidentiary record, rather than as a basis to exclude its Intervention.¹³

12. Applicant appears to conflate whether Epic may intervene with issues relating to whether the Application should be granted. In deciding whether to grant a common carrier application, the Commission applies the regulated monopoly doctrine.¹⁴ The regulated monopoly doctrine is based on the principle that fewer carriers who can make a reasonable return will give the public safe, efficient, and more economical service, and that increasing the number of providers ultimately results in a deterioration of service and higher rates for the public.¹⁵ As a result, the regulated monopoly doctrine protects incumbent common carriers from competition (to a certain degree).¹⁶ Indeed, the Colorado Supreme Court explained that the regulated monopoly doctrine grants incumbent common carriers a “competitive advantage” because the public convenience and necessity warrants it.¹⁷ As a result, where an incumbent common carrier’s authority overlaps with an application’s proposed authority, and the carrier has otherwise met Rule 1401(f)’s requirements, the Commission has repeatedly acknowledged that such incumbent carrier may intervene as of

¹² *Id.* at 1-2.

¹³ *Id.* at 2.

¹⁴ *Ephraim Freightways Inc., v. Pub. Utils. Comm’n*, 380 P.2d 228, 230 (Colo. 1963). *See* § 40-10.1-201(1), C.R.S.

¹⁵ *See e.g., Denver & R.G. W. R. Co., v. Pub. Utils. Comm’n*, 351 P.2d 278, 280 (Colo. 1960).

¹⁶ *See e.g., Ephraim Freightways Inc.*, 380 P.2d at 230. This protection is not unlimited. Under the regulated monopoly doctrine, a common carrier serving a particular area is only entitled to protection against competition if its service is adequate to satisfy the public’s needs. *Id.* Conversely, the existence of adequate and satisfactory service by motor carriers serving the area negates a public need and demand for added service. *Id.* at 231.

¹⁷ *See Yellow Cab Co-op. Ass’n v. Pub. Utils. Comm’n*, 869 P.2d 545, 550 (Colo. 1994).

right.¹⁸ The incumbent's legally protected interest arises from its property interest in its CPCN (*i.e.*, its authority). The Commission has essentially codified this principle through the intervention of right standards in Rule 1401(f)(I), 4 CCR 723-1.

13. As explained later, among other legal requirements to be granted the requested authority, Applicant must establish that: there is a public need for the proposed service; granting the authority is in the public interest; *and* the existing service is inadequate.¹⁹ Applicant's arguments about Epic's service may be relevant to these issues. However, these issues will be decided after the parties have presented their evidence at an evidentiary hearing, not at the intervention stage. For the reasons and authorities discussed, the ALJ denies Applicant's Motion to Dismiss.

14. Epic's timely Intervention and Letter of Authority establishes that Epic's CPCN overlaps or conflicts with Applicant's requested authority and otherwise meets Rule 1401(f)(I)'s requirements.²⁰ As such, the ALJ acknowledges Epic as a party.

B. Legal Representation

15. Generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado, but a non-attorney may appear on behalf of a business formally organized under the laws of a state after establishing the company's eligibility to be represented by a non-attorney, and that the designated representative has authority to

¹⁸ See *e.g.*, Decision No. R24-0788-I (issued October 31, 2024) in Proceeding No. 24A-0344CP-EXT; Decision No. R23-0260-I (issued April 20, 2023) in Proceeding No. 23A-0078CP; Decision No. R19-0422-I (issued May 20, 2019) in Proceeding No. 19A-0144CP; Decision No. R15-1046-I (issued September 14, 2015) in Proceeding No. 15A-0648CP.

¹⁹ Rule 6203(a)(XVII), 4 CCR 723-6.

²⁰ *Supra*, ¶ 9.

represent the company.²¹ For a formally organized company 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 satisfactory evidence demonstrating his or her authority to represent the company in the proceeding.²²

16. It is presumed 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 a proceeding.²³ 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.²⁴

17. Applicant, a limited liability company, seeks to be represented by a non-attorney, Ms. Evelyn Casias.²⁵ In support, Applicant states that it has no more than three owners; the amount in controversy does not exceed \$15,000; and its designated representative is its General Manager.²⁶ For the reasons and authorities discussed, the ALJ concludes that Applicant has met the requirements discussed above to be represented by its designated non-attorney representative. As such, Ms. Evelyn Casias is authorized to represent Applicant in this Proceeding.

18. Epic, a limited liability company, seeks to be represented by a non-attorney, Mr. Roman Lysenko.²⁷ In support, Epic states that it has no more than three owners; the amount in

²¹ § 13-1-127, C.R.S.; Rule 1201(a) and (b)(II), 4 CCR 723-1.

²² § 13-1-127(2) and (2.3)(c), C.R.S.; Rule 1201(b)(II), 4 CCR 723-1.

²³ § 13-1-127(2) and (2.3)(c), C.R.S.

²⁴ § 13-1-127(3). C.R.S.

²⁵ Application at 8.

²⁶ *Id.*

²⁷ Intervention at 3.

controversy does not exceed \$15,000; and its designated representative is its President and owner.²⁸ For the reasons and authorities discussed, the ALJ concludes that Epic has met the requirements discussed above to be represented by its designated non-attorney representative. As such, Mr. Roman Lysenko is authorized to represent Epic in this Proceeding.

C. Evidentiary Hearing

19. Because the Application is disputed, this matter must proceed to an evidentiary hearing. The ALJ is scheduling an evidentiary hearing for December 16, 2025. The evidentiary hearing will be a fully remote hearing using the web-hosted service, Zoom. A fully remote hearing provides parties and witnesses flexibility to appear from remote locations, which improves access, and creates opportunities for parties and witnesses to conserve resources (*e.g.*, time savings). The Commission has been holding remote evidentiary hearings for many years, which has allowed it to refine its processes to the point where parties with varying levels of experience and comfort with technology have been readily able to fully participate in hearings without difficulty.²⁹

20. The parties may object to this hearing date and manner (remote via Zoom) by filing a motion establishing good cause to modify the hearing date and manner by the established deadline (below). Consistent with Rule 1400(a), 4 CCR 723-1, before filing such a motion, the parties must confer with each other and report in their motion whether the motion's requested relief is unopposed (or opposed), as explained in more detail below.

21. If the motion seeks to modify the hearing date, it must include proposed hearing dates for which all parties are available, and which allows for a hearing to be completed no later

²⁸ *Id.*

²⁹ Nevertheless, should any party deem it necessary, they may contact Commission Legal Assistants by email at casey.federico@state.co.us, stephanie.kunkel@state.co.us, or april.crain@state.co.us to schedule an informal Zoom practice session.

than January 20, 2026.³⁰ This means that parties filing such a motion must confer with each other about potential hearing dates. The parties are required to share their availability on dates that another party proposes; doing so does not waive an objection to a motion seeking to modify the hearing date.³¹ If the motion seeks to modify the manner in which the hearing will be held, the motion must identify the party's preferred manner in which the hearing should be held and indicate whether the other party objects or agrees to the same. The parties may request that the hearing be converted to an in person or hybrid hearing. At in person hearings, all parties and witnesses must appear in person at a hearing room in the Commission's offices in downtown Denver, Colorado. Hybrid hearings allow parties and witnesses to appear in person at a Commission hearing room or remotely, but *at least one party must appear in person* for the matter to be a hybrid hearing.

22. The ALJ will construe any party's failure to file a motion to modify the hearing date or manner by the established deadline without good cause shown to mean that the party does not object to the hearing being fully remote and held on December 16, 2025.

23. Because the hearing requires remote participation, the parties must present all non-testimonial evidence³² in electronic format. Non-testimonial evidence is referred to as exhibits, and can come in numerous forms, such as documentation and photographs. This Decision and Attachments A and B hereto establish procedures to help the parties prepare and present their

³⁰ For the Commission to issue its final decision within the timeline required by § 40-6-109.5(2), C.R.S., the hearing must be completed by January 20, 2026. Unless Applicant waives the statutory deadline for final Commission to issue, any motion that proposes a hearing date after January 20, 2026 will be denied.

³¹ Including this information in a motion will better enable the ALJ to timely address such a motion, thereby minimizing uncertainty, particularly as to the procedural schedule that this Decision establishes. Indeed, if the hearing date changes, some of the procedural deadlines that this Decision establishes may also need to be modified.

³² This is distinguished from witness testimony (*i.e.* testimonial evidence), which is a different form of evidence.

exhibits electronically and to appear remotely. These procedures replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in a hearing room.³³

24. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A. Attachment B to this Decision includes vital information and requirements relating to presenting evidence electronically at the hearing, and thus, it is extremely important that all parties review and follow Attachment B's requirements. In addition to requirements in Attachments A and B, the ordering paragraphs below include requirements to facilitate the evidentiary hearing. As such, the parties must carefully review and follow those requirements.

25. The Commission's Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of remote evidentiary hearing. To this end, it is the Commission's practice to email the parties instructions and links for box.com. Similarly, it is the Commission's practice to email the parties the information needed to join the Zoom hearing, which minimizes the potential that a non-participant will disrupt the hearing. As such, the parties must ensure that they have provided accurate email addresses to the Commission in this Proceeding and must regularly check their email.

D. Advisements

26. Applicant is on notice that failure to appear at the evidentiary hearing may result in dismissal of the Application for failing to pursue or prosecute it. Similarly, Epic is on notice that

³³ For example, participating by videoconference allows parties and witnesses to view exhibits (*i.e.*, evidence), on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

failure to appear at the evidentiary hearing may result in decisions adverse to its interests, including granting the complete relief the Application seeks or dismissing it as a party to this Proceeding.

27. At the hearing, Applicant bears the burden of proof by a preponderance of the evidence to show that it has met the legal requirements to be granted the requested authority.³⁴ The preponderance standard requires that evidence of a contested fact outweigh the evidence to the contrary.³⁵ That is, the fact finder must determine whether the existence of a contested fact is more probable than its non-existence.³⁶ A party meets this burden of proof when the evidence, on the whole and however slightly, tips in favor of that party.³⁷

28. Among the legal requirements to be granted the requested authority, Applicant must establish that: there is a public need for the proposed service; granting the authority is in the public interest; *and* the existing service is inadequate.³⁸ The question is not whether the extent of business in a particular area is sufficient to warrant more certified carriers, but whether the public convenience and necessity demand the service of an additional carrier.³⁹ In deciding that question, the Commission applies the regulated monopoly doctrine.⁴⁰ Although Applicant bears the burden

³⁴ §§ 24-4-105(7); 13-25-127(1), C.R.S.; Rule 1500, 4 CCR 723-1.

³⁵ *Mile High Cab, Inc. v. Colorado Public Utilities Comm'n*, 302 P.3d 241, 246 (Colo. 2013).

³⁶ *Swain v. Colorado Dep't of Revenue*, 717 P.2d 507, 508 (Colo. App. 1985).

³⁷ *Schocke v. Dep't of Revenue*, 719 P.2d 361, 363 (Colo. App. 1986).

³⁸ Rule 6203(a)(XVII), 4 CCR 723-6. More information on the legal requirements that an applicant must meet to be granted a common carrier authority may found in the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and more specifically Rule 6203 and § 40-10.1-201(1), C.R.S. This Decision is not intended to be a full and complete recitation of all the legal standards that Applicant must meet to be granted an authority or to otherwise provide legal advice. Applicant is responsible for ensuring it is aware of the legal standards relevant to the Application and meets those standards.

³⁹ *See Ephraim Freightways Inc.*, 380 P.2d at 231.

⁴⁰ *Id.* at 230. With regulated monopoly protection comes the obligation to indiscriminately accept and carry passengers (for compensation) and to "furnish, provide, and maintain such services, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public, and as shall in all respects be adequate, just, and reasonable." § 40-3-101(2), C.R.S. *See* § 40-10.1-103(1) and (2), C.R.S.; Rule 6001(p), 4 CCR 723-6. As such, under the regulated monopoly doctrine, a common carrier serving a particular area is only entitled to protection against competition if its service is adequate to satisfy the public's needs. *Ephraim Freightways Inc.*, 380 P.2d at 230. An applicant must show that the incumbent has demonstrated a general pattern of inadequate service, but the test of inadequacy is not perfection. *Id.* at 232; *Durango Transp. Inc., v. Pub. Utils. Comm'n*, 122 P.3d 244, 248 (Colo. 2005).

to prove that an intervener's service is substantially inadequate, "where an applicant's evidence tend[s] to prove the existing carrier's substantial inadequacy, 'it [is] incumbent upon [the existing carrier] to rebut this evidence.'"⁴¹

29. Because Applicant has the burden of proof, Applicant will present evidence first during the hearing. Epic will be permitted to cross-examine any witnesses that Applicant presents. Once Applicant rests its direct case (*i.e.*, finishes presenting evidence in support of the Application), Epic will have the opportunity to present its direct-case evidence, and Applicant will be permitted to cross-examine any witnesses that Epic presents. Once Epic has finished its evidentiary presentation, Applicant will have an opportunity to present evidence rebutting the evidence that Epic presented in its direct case. All parties will be permitted to offer exhibits during the hearing.

30. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter. The parties are on notice that filing a document with the Commission does not, by itself, admit the document (*i.e.*, the exhibit) into the evidence. Exhibits must be admitted into evidence for the ALJ to consider them. As such, the parties are strongly encouraged to review each other's exhibits before the hearing and determine whether they can reach an agreement that any or all of their exhibits should be admitted into evidence.

31. All parties must be familiar with and follow the Commission's Rules of Practice and Procedure, 4 CCR 723-1, and the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. The parties may obtain a copy of these rules from the Commission in hard copy or on the Commission's website at: <https://www.colorado.gov/pacific/dora/pucrules>.

⁴¹ *Durango Transp. Inc.*, 122 P.3d at 250 quoting *Ephraim Freightways Inc.*, at 231-32.

32. The parties are on notice that all filings they make in this Proceeding *must be served* upon all other parties in accordance with Rule 1205, 4 CCR 723-1.

33. The parties are on notice that non-attorney representatives will be held to the same standards as attorneys.

III. **ORDER**

A. **It Is Ordered That:**

1. A fully remote evidentiary hearing on the merits of the above-captioned Application in this Proceeding is scheduled as follows:

DATE: December 16, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconference using Zoom

2. To minimize the potential that the 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 before the hearing, and participants in the hearing are prohibited from distributing that information to anyone not participating in the hearing.

3. Consistent with the above discussion, 303 Party Bus LLC's ("Applicant") Motion to Dismiss Intervention filed August 26, 2025 is denied and Epic Charter LLC ("Epic") is acknowledged as a party to this Proceeding.

4. Applicant may be represented by non-attorney Ms. Evelyn Casias and Epic may be represented by non-attorney Mr. Roman Lysenko, consistent with the above discussion.

5. **On or on by 5:00 p.m. on October 15, 2025**, any party that objects to the above hearing date or to the hearing being fully remote must file a motion that meets requirements

discussed in ¶¶ 20 and 21 above. The filing must be received by the Commission by the above time and date, or it will be considered untimely and may be rejected for that reason.

6. **Hearing Procedures.** Because the hearing is being held remotely, all evidence must be presented electronically. This means that all parties must prepare any documentary evidence (exhibits) for electronic presentation. In addition to the below requirements, all participants in the hearing must comply with the requirements in Attachments A and B, which are incorporated herein as if fully set forth.

7. **Deadlines to File and Serve Exhibits, Exhibit Lists and Witness Lists.** All parties must file and serve exhibits they intend to offer into evidence at the hearing, and exhibit and witness lists **on or by 5:00 p.m. on November 10, 2025**. Witness lists must include a brief description of the witnesses' anticipated testimony, and the witnesses' contact information. Exhibit lists must identify the hearing exhibit number, the full substantive title of each hearing exhibit, and include a brief description of each hearing exhibit the party intends to offer into evidence. Describing an exhibit solely by identifying the exhibit number **does not meet** this requirement (e.g., describing it as "Hearing Exhibit 100" without information as to substantive nature or content of the exhibit). Any party may offer any exhibit sponsored by another party and is not required to include such an exhibit on their own exhibit list. The parties are only required to prefile and serve exhibits they intend to offer into evidence during the hearing. Nothing in this Decision requires the parties to prefile exhibits that may be used *solely* to impeach a witness's testimony, to refresh a witness's recollection, or on rebuttal.⁴²

8. The parties may amend their exhibit and witness lists to add exhibits and witnesses not included in their prior exhibit and witness list. Any party wishing to do so must file and serve

⁴² Only the Applicant may present rebuttal evidence.

such additional exhibits and amended exhibit and witness lists **on or by 5:00 p.m. on November 24, 2025**. Amended exhibit and witness lists **must list all the exhibits** that the filing party intends to offer and **all witnesses** who may testify at hearing. Amended exhibit and witness lists **will substitute** the filing party's previous exhibit and witness lists, and as such, may not be filed as a supplement to prior exhibit and witness list filings. Allowing the parties to amend their exhibit and witness disclosures ensures that the parties have an opportunity to review the evidence the opposing party intends to present based on the party's November 10, 2025 exhibit and witness disclosures, and to add exhibits and witnesses based on those disclosures. As such, the parties may not use provision to circumvent the November 10, 2025 exhibit and witness disclosure deadline (above). Unless good cause is shown, a party who fails to make exhibit and witness disclosures on November 10, 2025 and instead solely makes such disclosures on November 24, 2025 will be construed as attempting to circumvent the November 10, 2025 disclosure deadline. This may result in rejecting late-disclosed witnesses and exhibits, or other appropriate action to ensure that appropriate disclosure and due process for all parties.

9. **Deadline to File Statements of Position.** Any party wishing to file a Statement of Position ("SOP") must do so **on or by 5:00 p.m. on January 2, 2026**. An SOP is a party's summary of how the evidence admitted during the evidentiary hearing and the relevant law entitles them to their requested relief. SOPs are permitted in lieu of verbal closing argument (at the hearing) and in this case, are not mandatory.

10. **Hearing Exhibit Block Assignments.** To ensure a clear record, the parties must identify their exhibits using a unified numbering system for all their hearing exhibits. This means that the parties must ***physically mark*** their exhibits with the exhibit number and ***electronically save*** their exhibits with the exhibit number as the document name, using exhibit numbers within

their assigned exhibit number blocks. Doing so ensures that the exhibit number is visible on the exhibit, both electronically and in paper form, and that the exhibit can be easily identified by its number during the hearing so that the correct exhibit may be displayed.

11. The parties are assigned the following exhibit number blocks:

Party	Assigned Hearing Exhibit Numbers
Applicant	100 to 199
Epic	200 to 299

12. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 1000 range (*e.g.*, Applicant will use hearing exhibit numbers 1100-1199; Epic will use hearing exhibit numbers 1200-1299, *etc.*).

13. 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