

Decision No. R25-0778-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0202CP

IN THE MATTER OF THE APPLICATION OF EMERALD EXPRESS TRANSPORTATION INC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
SCHEDULING EVIDENTIARY HEARING**

Issued Date: October 29, 2025

I. STATEMENT

A. Background

1. On May 19, 2025, Emerald Express Transportation Inc. (“Emerald Express”) filed the application described in the caption above (“Application”).

2. On May 23, 2025, Emerald Express filed: (a) an amendment to the Application that revised the description of the geographic scope of the authority sought (“Amendment”); and (b) Application for Temporary Authority for the same geographic scope of authority sought in the Amendment. The Application for Temporary Authority was a duplicate of the same application filed in Proceeding No. 25A-0197CP-TA, which the Commission denied in Decision No. C25-0456 on June 16, 2025.

3. On May 27, 2025, the Commission issued public notice of the authority sought by Emerald Express in the Application as follows:

For permanent authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers as follows:

(1) Transportation of passengers in call-and-demand shuttle service between all points within the city of Steamboat Springs, Colorado, and between said points, on the one hand, and the Yampa Valley Regional Airport, Hayden, Colorado, on the other hand.

(2) Transportation of passengers in call-and-demand shuttle service between all points within the city of Craig, Colorado, and between said points, on the one hand, and the Yampa Valley Regional Airport, Hayden, Colorado, on the other hand.

4. On June 11, 2025, Alpine Taxi/Limo, Inc. (“Alpine Taxi”) filed a Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance, and Request for Hearing.

5. On June 17, 2025, NDW Enterprises LLC d/b/a Ski Town Transportation (“Ski Town Transportation”) filed an Intervention by Right to Permanent Authority Application.

6. On July 9, 2025, the Commission deemed the Application complete and referred the proceeding by minute entry to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ.

7. On July 23, 2025, the ALJ issued Decision No. R25-0540-I that established a procedural schedule, and a deadline of August 1, 2025 for any Statements to be filed in which the filing party could specify the party’s preference for an in-person, remote, or hybrid hearing and, if the party prefers an in-person hearing, identification of the preferred location for the hearing and an explanation of why the hearing should not take place in one of the Commission’s hearing rooms in Denver.

8. On August 1, 2025, each party filed a Statement Regarding Hearing. All parties prefer an in-person hearing in Steamboat Springs.

9. On August 28, 2025, the ALJ issued Decision No. R25-0627-I that scheduled a remote prehearing conference for September 25, 2025 at 3:00 p.m. and an in-person hearing in Steamboat Springs for October 30-November 1, 2025.

10. On September 12, 2025, Alpine Taxi filed a Motion to Reschedule Hearing and for a Status Conference (“Motion to Reschedule Hearing”).

11. On September 18, 2025, Alpine Taxi filed a Motion in Limine.

12. On September 19, 2025, Ski Town Transportation filed a Motion for Extension to File Witness List and Exhibits (“Motion for Extension”).

13. On September 25, 2025, the ALJ issued Decision No. R25-0694-I that granted the Motion to Reschedule Hearing, vacated the hearing, and rescheduled the remote prehearing conference to October 10, 2025 at 11:00 a.m.

14. On October 3, 2025, Emerald Express filed an Unopposed Motion for Extension of Time to Respond to Motion in Limine (“Unopposed Motion”) seeking a one-week extension. On the same day, the ALJ sent an email to the parties stating that the Unopposed Motion would be granted.

15. On October 10, 2025, Emerald Express filed its Response to the Unopposed Motion.

16. On October 10, 2025, the remote prehearing conference took place as scheduled. The ALJ took oral argument on the Motion in Limine and then held it in abeyance. The parties informed the ALJ that they and their witnesses are available for the evidentiary hearing on December 2-4, 2025. The ALJ informed Emerald Express that the evidentiary hearing could be held that week only if it waived the statutory deadline. Emerald Express responded that it would

so waive the statutory deadline. The ALJ instructed Emerald Express to file a pleading waiving the statutory deadline.

17. On October 16, 2025, Emerald Express filed a pleading waiving the statutory deadline in § 40-6-109.5, C.R.S.

B. Hearing and Remote Prehearing Conference

18. The evidentiary hearing will be scheduled for December 2-4, 2025 in Steamboat Springs. The hearing will be conducted as an in-person hearing. However, the ALJ reserves the right to change the hearing to a hybrid hearing if the internet connection at the hearing site is sufficient and one or more witnesses cannot attend the hearing in-person. To aid with that decision, each party must file amended witness lists identifying each witness who needs or wants to testify remotely and has committed to testifying at the hearing.

19. In addition, a remote prehearing conference will be scheduled for November 24, 2025 at 11:00 a.m. All parties must appear at the remote prehearing conference. Failure to attend or to participate in the remote prehearing conference is a waiver of any objection to the rulings made during the remote prehearing conference. Attachment A to Decision No. R25-0627-I issued on August 28, 2025 provides instructions for how to use the Zoom platform for remotely participating in the remote prehearing conference.

II. ORDER

A. It Is Ordered That:

1. The waiver of the deadline contained in § 40-6-109.5, C.R.S. filed by Emerald Express Transportation Inc. (“Emerald Express”) on October 16, 2025 is acknowledged.

2. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: December 2-4, 2025

TIME: 9:00 a.m.

PLACE: Commissioners' Hearing Room
522 Lincoln Avenue
Steamboat Springs, CO 80487

3. A remote prehearing conference is scheduled as follows:

DATE: November 24, 2025

TIME: 11:00 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 Staff of the Commission¹

¹ 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>.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director