

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21D-0098CP

IN THE MATTER OF THE PETITION OF ALC SCHOOLS, LLC FOR A DECLARATORY ORDER OR IN THE ALTERNATIVE PETITION FOR RULEMAKING.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING REMOTE EVIDENTIARY HEARING AND
ESTABLISHING PROCEDURES AND DEADLINES**

Mailed Date: May 20, 2021

I. STATEMENT, BACKGROUND, FINDINGS AND CONCLUSIONS

A. Background

1. ALC Schools, LLC commenced this proceeding on March 2, 2021, by filing the above-captioned Petition for Declaratory Order or in the Alternative Petition for Rulemaking (Petition). On March 24, 2021, the Commission accepted the Petition, provided public notice of the Petition, and referred this proceeding to an Administrative Law Judge (ALJ) for disposition. Decision No. C21-0180-I issued March 24, 2021.

2. On April 23, 2021, HopSkipDrive, Inc. filed a Motion to Intervene and a response to the Petition. On May 4, 2021, the ALJ granted the Motion to Intervene and scheduled the matter for a remote prehearing conference for May 19, 2021, to move this matter toward a resolution. Decision No. R21-0264-I.

3. The ALJ called the prehearing conference as noticed. All parties appeared. During the prehearing conference, the parties agreed to an evidentiary hearing date, and filing deadlines, which are detailed in the ordering paragraphs of this Decision.

4. For the same reasons outlined in Decision No. R21-0264-I, the evidentiary hearing will be held by video-conference as it is unknown when the Commission will be able to hold hearings in-person.

5. The Commission will use the web-hosted service, Zoom, to hold the hearing remotely. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the hearing. As such, it is vitally important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

6. To minimize the potential that the video-conference 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 the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.¹

II. ORDER

A. It Is Ordered That:

1. The remote evidentiary hearing on the above-captioned Petition is as follows:

DATE: June 22, 2021

TIME: 9:00 a.m.

PLACE: Join by video-conference using Zoom

2. 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

¹ The ALJ anticipates that the hearing will be webcast, consistent with Commission practice; this means that those wishing to observe the hearing may do so without the need to join the hearing as a participant. In addition, the ALJ may reach out to the parties before the hearing to schedule an informal Zoom practice session.

Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

3. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

4. **Video-Conference Participation.** The parties and witnesses are required to participate in the evidentiary hearing by video-conference using Zoom. The parties must ensure that they and their respective witnesses are ready and able to participate in the evidentiary hearing by video-conference using Zoom.

5. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing will be held remotely by video-conference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) are able to download and view documents available from box.com *during the hearing*.

6. **Hearing Exhibits, Hearing Exhibit Lists, and Witness Lists.** ALC Schools, LLC must file and serve pre-marked hearing exhibits, hearing exhibit lists, and witness lists by June 1, 2021. HopSkipDrive, Inc. must file and serve pre-marked hearing exhibits, hearing exhibit lists, and witness lists by June 8, 2021. The parties are not required to pre-file and serve hearing exhibits which will be used solely for impeachment, to refresh recollection, or for rebuttal. Any party may use any other party's hearing exhibits during the course of the hearing and need not file them separately. 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 title of each hearing exhibit (*i.e.*, substantive title of the document),

and provide a brief description of each hearing exhibit the party intends to offer into evidence during the evidentiary hearing.

7. **Stipulations and Prehearing Motions.** The parties must file and serve stipulations and prehearing motions by June 15, 2021.

8. **Statements of Position.** The parties must file and serve statements of position by July 13, 2021. No responses are permitted.

9. In addition to the requirements set forth here and in Attachments A and B, the parties must comply with the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

10. 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

Doug Dean,
Director