

Decision No. C22-0680-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22G-0435CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

WILD SIDE 4 X 4 TOURS LLC,

RESPONDENT.

**INTERIM COMMISSION DECISION GRANTING
STIPULATED MOTION FOR EXTENSION
AND REFERRING MATTER TO AN
ADMINISTRATIVE LAW JUDGE**

Mailed Date: November 2, 2022
Adopted Date: November 2, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. Through this Decision, the Commission grants the Stipulated Motion for Brief Extension of Time to Schedule Hearing (Stipulated Motion) filed by Wild Side 4 x 4 Tours, LLC (Wild Side) on October 27, 2022, and refers this matter to an Administrative Law Judge (ALJ).

B. Background, Findings, and Conclusions

2. On October 12, 2022, Wild Side was served Civil Penalty Assessment or Notice of Complaint to Appear (CPAN) No. 132328 in which Staff of the Colorado Public Utilities

Commission alleges three violations: (1) failure to display the required PUC Off-Road Charter (ORC) permit number on one of Wild Side's vehicles in violation of Rule 6015, 4 *Code of Colorado Regulations* (CCR) 723-6; (2) violation of Rule 6202(a), 4 CCR 723-6, for operating and/or offering to operate as a common carrier in intrastate commerce without having obtained a certificate of public convenience and necessity (CPCN); and (3) for operating as a motor carrier in violation of § 40-10.1-104, C.R.S. The CPAN requires Wild Side to respond by October 24, 2022 or contest the violations and schedule a hearing.

3. Through the Stipulated Motion, Wild Side represents that on Monday, October 24, 2022 it sent by mail to the Commission payment for the first violation regarding Rule 6015, as directed in the CPAN. On Wednesday, October 26, 2022, the Commission deliberated and denied a motion filed by Wild Side in Proceeding No. 20D-0521EC in which Wild Side requested a stay of enforcement actions against it.

4. Wild Side represents that it contests the second and third alleged violations listed in the CPAN, and therefore is instructed to contact the Commission by 5:00 p.m. on October 27, 2022, the same day it filed the Stipulated Motion to schedule a hearing.

5. Wild Side includes that Staff's lead counsel has been unavailable, and that Staff and Wild Side stipulate that good cause exists for a brief extension of time for Wild Side to contact the Commission and schedule a hearing in accordance with the provisions in the CPAN. Wild Side states that a brief extension will enable parties to discuss and coordinate the availability of counsel and witnesses for hearing. Wild Side therefore requests a 7-calendar day extension through November 3, 2022, to contact the Commission and schedule a hearing.

6. We grant the requested extension for Wild Side to contact the Commission to schedule a hearing and refer this matter to an ALJ.

II. ORDER

A. It Is Ordered That:

1. The Stipulated Motion for brief Extension of Time to Schedule Hearing filed by Wild Side 4 x 4 Tours, LLC on October 27, 2022, is granted.

2. The matter is referred to an Administrative Law Judge.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 2, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners