

Decision No. R22-0535-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0216CP

IN THE MATTER OF THE APPLICATION OF COLORADO CANYON CONNECTION LLC
FOR CERIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ESTABLISHING PROCEDURAL
SCHEDULE AND SETTING HEARING**

Mailed Date: September 09, 2022

I. STATEMENT

A. Procedural History

1. On May 24, 2022, Colorado Canyon Connection filed with the Application for New Permanent Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire, through which Colorado Canyon Connection seeks a Certificate of Public Convenience and Necessity (CPCN) to operate as a Common Carrier of Passengers by Motor Vehicle for Hire (Application). This filing commenced Proceeding No. 22A-0216CP.

2. On June 13, 2022, the Commission issued a Notice of Applications and Petitions Filed (Notice). The Notice gave notice of the Application, notice of procedural deadlines, and established a 30-day intervention period. As noticed, Applicant seeks the following authority:

to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and demand shuttle service between all points in the Counties of Boulder, Denver, Grand, Larimer, and Weld, State of Colorado.

3. On June 21, 2022, Estes Park Charters Corp., Fun Tyme Trolleys, LLC d/b/a Estes Park Trolleys, and Home James Transportation Services, LTD timely noticed their intervention of right.

4. On July 27, 2022, the Commission, via a minute entry, deemed the Application complete and referred Proceeding No. 22A-0216CP to an Administrative Law Judge (ALJ) for disposition.

B. Procedures for an Evidentiary Hearing

5. An evidentiary hearing will be scheduled in this proceeding. Due to the COVID-19 pandemic, remote participation will be accommodated upon at least one party and/or witness request.

6. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by videoconference allows parties and witnesses to view exhibits on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

7. The evidentiary hearing will be conducted via videoconference using the Zoom platform if at least one party or a party's witness chooses to participate remotely. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the remote 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.

8. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this case. Given that the hearing will accommodate remote participation by video-conference, exhibits must be presented electronically.

9. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented at remote hearings.¹ As such, it is essential that the parties ensure they can access and use box.com before the hearing. The ALJ is entering orders to facilitate using box.com to manage exhibits during the hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload documents and exhibits for use during the hearing; and (b) download documents and exhibits once they are presented during the hearing.

10. Each party must: (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page numbered as page 1, regardless of content before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to presenting them during the hearing.

11. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote

¹ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

12. During August 2022, the ALJ informally reached out to the parties to inquire about the parties' consensus regarding a procedural schedule for this Proceeding. The ALJ was not informed of any consensus. A hearing and will be scheduled as ordered below.

13. Additional procedural requirements may be issued in future Interim Decisions.

14. To facilitate the orderly and efficient litigation of this proceeding, each party is ordered to file (or supplement), and to serve on each other, a list of witnesses the party intends to call, a summary of the testimony of each witness, and copies of the exhibits the filing party intends to present at the hearing.

15. **Parties are advised** that no witness will be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served in accordance with the procedural schedule. **Parties are advised further** that no exhibit will be received in evidence, except in rebuttal, unless filed and served in accordance with the procedural schedule.

C. Informal Video-Conference Practice Session.

16. The ALJ will hold an informal practice video-conference session if requested by either or both parties to give the parties an additional opportunity to practice using Zoom and box.com before the hearing.

17. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us and alejandro.aguirrerhode@state.co.us, to schedule an informal practice video-conference session.

18. The parties will receive information and a link to participate in the informal practice session by email.

II. ORDER

A. It Is Ordered That:

1. A hearing in this matter shall be conducted at the following dates, time, and place:

DATES: November 10, 2022

TIME: 9:00 p.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. No later than September 30, 2022, Colorado Canyon Connection shall file (or supplement) and serve: (a) a list that identifies the witnesses Colorado Canyon Connection intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Colorado Canyon Connection will present at the hearing.

3. No later than October 21, 2022, Estes Park Charters Corp., Fun Tyme Trolleys, LLC d/b/a Estes Park Trolleys, and Home James Transportation Services, LTD shall each file (or supplement) and serve: (a) a list that identifies the witnesses it intends to call at the hearing, including a summary of the anticipated testimony of each witness; and (b) copies of the exhibits it intends to present at the hearing.

4. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director