

Decision No. R22-0589-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0215CP

IN THE MATTER OF THE APPLICATION OF GREEN JEEP TOURS, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

PROCEEDING NO. 22A-0310CP

IN THE MATTER OF THE APPLICATION OF WILD SIDE 4 X 4 TOURS LLC, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ESTABLISHING PROCEDURES, SCHEDULING
HEARING, AND VACATING PRE-HEARING
CONFERENCE**

Mailed Date: September 29, 2022

I. STATEMENT

A. Procedural Background

1. On May 23, 2022, Green Jeep Tours, LLC (Green Jeep) filed with the Commission a Permanent Authority Application, through which Green Jeep seeks a Certificate of Public Convenience and Necessity (CPCN) to operate as a Common Carrier by Motor Vehicle for Hire. This filing commenced Proceeding No. 22A-0215CP.

2. On June 29, 2022, Wild Side filed a Permanent Authority Application, through which Wild Side seeks a CPCN to operate as a Common Carrier by Motor Vehicle for Hire. This filing commenced Docket No. 22A-0310CP.

3. By Decision No. R22-0527-I, issued September 7, 2022, the ALJ consolidated Proceeding Nos. 22A-0215CP and 22A-0310CP and scheduled a prehearing conference in the consolidated proceeding for September 29, 2022.

4. On September 23, 2022, Green Jeep and Wild Side filed Applicants' Conferral Report (Conferral Report), which proposed a consensus procedural schedule.

B. PROCEDURAL SCHEDULE AND EVIDENTIARY HEARING

5. The Conferral Report was unanimously agreed upon by all parties. The proposed procedural schedule is reasonable and will be adopted, as ordered below.

6. The parties also unanimously agreed on both the dates of the evidentiary hearing and that the evidentiary hearing would be held in person, in Estes Park, Colorado. The proposed evidentiary hearing dates are acceptable. The evidentiary hearing will be scheduled to be held in person in person, in Estes Park, Colorado, subject to availability of a location to be determined by separate Interim Decision.

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

8. **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, cross, or cross answer, unless filed and served in accordance with the procedural schedule.

9. Each Party is specifically reminded that all filings with the Commission must also be served upon the other Party and its counsel, in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

10. Additional procedural requirements may be addressed in future Interim Decisions.

C. HEARING EXHIBIT NUMBER BLOCK ASSIGNMENTS

11. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties must use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Green Jeep Tours, LLC is assigned hearing exhibit numbers 100 to 199;
- Estes Park Charters is assigned hearing exhibit numbers 200 to 299;
- Fun Tyme Trolleys is assigned hearing exhibit numbers 300 to 399; and
- Wild Side is assigned hearing exhibit numbers 400 to 499.

D. DISCOVERY PROCEDURES

12. Per the Conferral Report, the parties have unanimously agreed to the normal discovery procedures contained within Commission Rule 1405.

E. PRE-HEARING CONFERENCE

13. As stated above, a pre-hearing conference was previously scheduled for July 28, 2022 at 2:00 p.m. Decision No. R22-0527-I.

14. Due to the parties' conferral and unanimous agreements regarding the procedural schedule, discovery procedures, and the method by which the hearing will be conducted, the

pre-hearing conference in this proceeding will be vacated. A pre-hearing conference may be scheduled by a separate Interim Decision upon the request of any party, should the need arise.

II. ORDER

A. It Is Ordered That:

1. The Applicants' Conferral Report filed on September 23, 2022, by Green Jeep Tours, LLC (Green Jeep) and Wild Side 4 X 4 Tours LLC (Wild Side) is adopted, consistent with the discussion above.

2. The following procedural schedule is adopted to govern this proceeding:

PROCEDURAL EVENT	DUE DATE(S)
All Parties to File Exhibit and Witness Lists and Exchange Exhibits	December 19, 2022
Closing Statements of Position	March 13, 2023

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

DATES: January 18, 19, and 20, 2023

TIME: 9:00 a.m. daily

PLACE: Location to be determined
Estes Park, Colorado

4. When filing copies of exhibits and lists of witnesses, parties shall file (or supplement) and serve (a) a list that identifies the witnesses each party intends to call at the hearing, including a detailed summary of the anticipated testimony of each witness; and (b) copies of the exhibits each party will present at the hearing.

5. The prehearing conference scheduled for September 29, 2022 at 2:00 p.m. is vacated.

6. 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