

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22A-0089CP

---

IN THE MATTER OF THE APPLICATION OF GRAND JUNCTION STAND UP PADDLE DOING BUSINESS AS GRAND JUNCTION ADVENTURE 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  
APPROVING STIPLULATED AMENDMENTS OF  
APPLICATION WITH MODIFICATIONS  
AND ORDERING ADDITIONAL NOTICE**

---

---

Mailed Date: October 10, 2022

**TABLE OF CONTENTS**

I. STATEMENT.....	1
A. Background.....	1
B. Analysis .....	5
II. ORDER.....	7
A. The Commission Orders That: .....	7

---

**I. STATEMENT**

**A. Background**

1. On February 23, 2022, Grand Junction Stand Up Paddle, doing business as Grand Junction Adventures (Grand Junction Adventures) filed its Application for a Certificate of Public Convenience and Necessity (CPCN) to Operate as a Common Carrier by Motor Vehicle for Hire (Application).

2. Pursuant to Rule 1309(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, on March 4, 2022, Grand Junction Adventures filed an amendment to the Application (first Application Amendment) modifying the proposed authority sought in the Application.

3. On March 7, 2022, the Commission issued Notice of Applications and Petitions Filed (Notice). The Notice stated that Grand Junction Adventures was seeking the following authority:

(I) Transportation of passengers in call-and-demand charter and call-and-demand shuttle service between the: a) Ribbon Trailhead, Grand Junction, Colorado; b) Third Flats Trailhead, Grand Junction, Colorado; c) Bangs Canyon Trailhead, Grand Junction, Colorado; d) Lunch Loops Trailhead, Grand Junction, Colorado; and e) North Desert 18 Trailhead, Fruita, Colorado; on the one hand, and all points located within a 5-mile radius of 1695 Las Colonias, [sic] Landing [sic] Grand Junction, Colorado, on the other hand.

(II) Transportation of passengers in call-and-demand charter and call-and-demand shuttle service between the: a) Palisade Rim Boat Ramp, Palisade, Colorado; b) Riverbend Park Boat Ramp, Palisade, Colorado; c) Corn Lake State Park Boat Ramp, Grand Junction, Colorado; d) Las Colonias Boat Ramp, Grand Junction, Colorado; e) Blue Heron Boat Ramp Boat [sic] Ramp [sic], Grand Junction, Colorado; f) Fruita States [sic] Park Boat Ramp, Fruita, Colorado; and g) Loma State Park Boat Ramp, Loma, Colorado, on the one hand, and all points located within a 5-mile radius of 1695 Las Colonias, [sic] Landing [sic] Grand Junction, Colorado, on the other hand.

(III) Transportation of passengers in call-and-demand charter and call-and-demand shuttle service between the Roan Creek Road Boat Ramp, DeBeque [sic], Colorado, on the one hand, and all points located within a 5-mile radius of 101 Misty Way [sic] Parachute, Colorado. on the other hand.

(IV) Transportation of passengers in call-and-demand charter and call-and-demand shuttle service between the three City of Parachute Boat Ramps, Parachute, Colorado, and all points located within a 5-mile radius of 101 Misty Way [sic] Parachute, Colorado. on the other hand.

(V) Transportation of passengers in call-and-demand charter and call-and-demand shuttle service between the City of Rifle Boat Ramp at Lions Park Circle, Rifle, Colorado, and all points located within a 5-mile radius of 101 Misty Way [sic] Parachute, Colorado. on the other hand.

4. On April 5 and 6, 2022, Pali-Tours, Ltd. (Pali-Tours) and Absolute Prestige Limousine, LLC (Absolute Prestige) (collectively, Intervenors) filed entries of appearance and interventions, respectively.

5. On April 13, 2022, the Commission deemed the Application complete by minute entry and referred the proceeding to an Administrative Law Judge (ALJ).

6. On May 16, 2022, the ALJ issued Decision No. R22-0304-I that, among other things, scheduled a hearing in this proceeding for July 14, 2022.

7. On July 8, 2022, the ALJ issued Decision No. R22-0411-I that vacated the Scheduled Hearing and ordered Grand Junction Adventures to file a status report regarding its settlement negotiations in this proceeding.

8. On August 8, 2022, Grand Junction Adventures filed an Update on Postponement (Status Report) indicating that “[a]ll parties involved have... agreed upon language and restrictions...”<sup>1</sup>

9. On August 22, 2022, Grand Junction Adventures filed a document entitled Revised authority and restriction satisfying intervening parties that further modifies the authority sought by Grand Junction Adventures as follows:

(I) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that Originate [*sic*] OR [*sic*] Terminate [*sic*] from All [*sic*] Points [*sic*] within a 100 yard radius of; [*sic*] (a) 1695 Las Colonias Landing, Grand Junction, Colorado, b) 436 Main Street, Grand Junction Colorado; (c) Ribbon Trailhead, Grand Junction, Colorado; (d) Third Flats Trailhead, Grand Junction, Colorado; (e) 1st [*sic*] flats [*sic*] trailhead [*sic*] (f) Bangs Canyon Trailhead, Grand Junction, Colorado; (g) Lunch Loops Trailhead, Grand Junction, Colorado; (h) North Desert 18 Trailhead, Fruita, Colorado and (i) Kokopelli Trailhead, Loma, Colorado [*sic*]

---

<sup>1</sup> Status Report at 1.

(II) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that Originate OR [sic] Terminate [sic] from All [sic] Points [sic] within a 100 yard radius of; [sic] a) 1695 Las Colonias Landing, Los [sic] Colonias Boat Ramp, Grand Junction, Colorado; b) Palisade Rim Boat Ramp, Palisade, Colorado; c) Riverbend Park Boat Ramp, Palisade, Colorado; d) Corn Lake State Park Boat Ramp, Grand Junction, Colorado; e) Connected lakes [sic] State Park Boat Ramp, Grand Junction Colorado; f) Blue Heron Boat Ramp Boat [sic] Ramp [sic], Grand Junction, Colorado; g) Fruita States [sic] Park Boat Ramp, Fruita, Colorado; and h) Loma State Park Boat Ramp, Loma, Colorado.. [sic]

(III) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that Originate OR [sic] Terminate [sic] from All [sic] Points [sic] within a 100 yard radius of (a) Rulison Bridge Boat Ramp, Parachute, Colorado, (b) the city of Parachute Boat ramp [sic] at 101 Misty Way [sic] Parachute, Colorado, (c) Una Bridge Boat Ramp on Stone Quarry Road, Parachute Colorado; (d) City of Rifle Boat Ramp at Lions Park Circle, Rifle, Colorado; e) Roan Creek Road Boat Ramp, Deque [sic], Colorado [sic]

Restrictions:

(1) Item (I) is restricted to the transportation of customers of Grand Junction Adventures who have rented mountain biking equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own mountain biking equipment.

(2) Items (II), (III), are restricted to the transportation of customers of Grand Junction Adventures who have rented river floatation equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own personal river flotation equipment.

10. Also on August 22, 2022, Grand Junction Adventures filed a Statement of Proposed Authority (Statement of Proposed Authority) stating that Mr. Stover is providing and “update” to the authority sought and that “[t]he revised language with in the new proposed authority does not extend beyond the areas named in the original notice.”<sup>2</sup>

11. The two filings by Mr. Stover made on August 22, 2022 will collectively be construed to request a second amendment to the Application to seek the authority as stated in the Statement of Proposed Authority (second Application Amendment).

---

<sup>2</sup> Statement of Proposed Authority at 1.

**B. Analysis**

12. The authority sought in a CPCN application and any restriction on such authority must be clear and unambiguous, and any amendments to a CPCN application must be contained wholly within (i.e., restrictive of) the proposed authority noticed to the public. *See* Decision No. R22-0609-I; *see also* Commission Rule 1403, 4 CCR 723-1.

13. A review of the first Application Amendment's proposed authority language, as noticed through the Notice, and the proposed authority language contained in the second Application Amendment reveals that the authority sought in the second Application Amendment is not restrictive of the authority stated in the Notice. Further, the second Application Amendment is partially ambiguous. The proposed authority language in the second Application Amendment contains two origination/termination points that are outside the geographical scope stated in the Notice: Kokopelli Trailhead, Grand Junction, Colorado<sup>3</sup> and Connected Lakes State Park Boat Ramp, Grand Junction Colorado.<sup>4</sup> In addition, the addition of "within a 100 yard radius of" in paragraphs I, II, and III of the second Application Amendment, but not in the Notice broadens the geographical scope of all origination/termination points that are listed in the second Application Amendment but are not within a 5 miles of either 1695 Las Colonias, Landing, Grand Junction, Colorado or 101 Misty Way, Parachute, Colorado.<sup>5</sup> Lastly, ¶ I(e) of the second Application Amendment references the origination/termination point of First Flats Trailhead.<sup>6</sup> This origination/termination point is not stated in the Notice and is not sufficiently identified by

---

<sup>3</sup> Second Application Amended, ¶ (I)(i).

<sup>4</sup> Second Application Amended, ¶ (II)(e).

<sup>5</sup> The authority language contained in the first Amended Application covers all points located within a 5-mile radius of either 1695 Las Colonias Landing Grand Junction, Colorado, and 101 Misty Way, Parachute, Colorado. As such, the origination/termination points that are listed in the second Application Amendment and are within 5 miles of 1695 Las Colonias Landing Grand Junction, Colorado, or 101 Misty Way, Parachute, Colorado fall within the geographical scope of the first Amended Application.

<sup>6</sup> This geographical location is referenced in the Revised Authority as "1st [*sic*] flats [*sic*] trailhead [*sic*]."

a city, state, or zip code and may therefore be ambiguous. Construing the Application, the first Application Amendment, and the second Application Amendment, the undersigned concludes that Grand Junction Adventures seeks to provide call-and-demand shuttle, and call-and-demand charter services to/from First Flats Trailhead, Grand Junction, Colorado. The authority sought will be modified accordingly, as ordered below.

14. The Application, as amended, is unopposed and, pursuant to § 40-6-109(5), C.R.S. and Commission Rule 1403, 4 CCR 723-1 will likely be considered under the modified procedure, without a formal hearing, pending the additional notice ordered below.

15. The second Application Amendment, as construed herein, is unambiguous and enforceable. However, it is not restrictive in nature. Therefore, the second Application Amendment as construed herein, will be accepted. The Application will not be decided at this time so that additional notice may be provided.

16. According to Rule 1206(d), the Commission shall re-notice an application which, through amendment, is changed in any manner that broadens the application's purpose or scope. In light of the narrower scope of authority stated in the Notice and the consent of the Intervenors to the authority sought in the Application, as amended, the notice period will be shortened to fifteen days.

17. An additional shortened notice period will be ordered so that notice will be provided to anyone interested or affected by the scope of authority, as now amended and construed by this Interim Decision.

18. Should any party disagree with the amended statement of authority sought, as construed by this Interim Decision, they may request reconsideration of the undersigned ALJ's interpretation of the authority sought as ordered below.

## II. ORDER

### A. It is Ordered That:

1. The Revised authority and restriction satisfying intervening parties and the Statement of Proposed Authority filed on August 22, 2022, by Grand Junction Stand Up Paddle, doing business as Grand Junction Adventures (Grand Junction Adventures) will collectively be construed as a second motion to amend the Application for a Certificate of Public Convenience and Necessity (CPCN) to Operate as a Common Carrier by Motor Vehicle for Hire (Application) filed on February 23, 2022 (Second Motion to Amend Application).

2. The Second Motion to Amend Application is granted, consistent with the discussion above, as modified and construed. As amended, Grand Junction Adventures seeks a the following authority:

(I) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) 1695 Las Colonias Landing, Grand Junction, Colorado; (b) 436 Main Street, Grand Junction, Colorado; (c) Ribbon Trailhead, Grand Junction, Colorado; (d) Third Flats Trailhead, Grand Junction, Colorado; (e) First Flats Trailhead, Grand Junction, Colorado; (f) Bangs Canyon Trailhead, Grand Junction, Colorado; (g) Lunch Loops Trailhead, Grand Junction, Colorado; (h) North Desert 18 Trailhead, Fruita, Colorado; and (i) Kokopelli Trailhead, Loma, Colorado.

(II) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) 1695 Las Colonias Landing, Grand Junction, Colorado; (b) Las Colonias Boat Ramp, Grand Junction, Colorado; (c) Palisade Rim Boat Ramp, Palisade, Colorado; (d) Riverbend Park Boat Ramp, Palisade, Colorado; (e) Corn Lake State Park Boat Ramp, Grand Junction, Colorado; (f) Connected Lakes State Park Boat Ramp, Grand Junction Colorado; (g) Blue Heron Boat Ramp, Grand Junction, Colorado; (h) Fruita State Park Boat Ramp, Fruita, Colorado; and (i) Loma State Park Boat Ramp, Loma, Colorado.

(III) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) Rulison Bridge Boat Ramp, Parachute, Colorado; (b) the City of Parachute Boat Ramp, 101 Misty Way, Parachute, Colorado; (c) Una Bridge Boat

Ramp, Stone Quarry Road, Parachute Colorado; (d) City of Rifle Boat Ramp, Lions Park Circle, Rifle, Colorado; and (e) Roan Creek Road Boat Ramp, De Beque, Colorado.

Restrictions:

(1) Item (I) is restricted to the transportation of passengers who are customers of Grand Junction Adventures renting mountain biking equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own mountain biking equipment.

(2) Items (II), (III), are restricted to the transportation of passengers who are customers of Grand Junction Adventures renting river floatation equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own personal river floatation equipment.

3. The Commission shall re-notice the Application, as amended, for a shortened period of fifteen days.

4. This Order is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

AVIV SEGEV

\_\_\_\_\_  
Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,  
Director