

Decision No. R22-0640-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0402TR

IN THE MATTER OF PROPOSED AMENDMENTS TO THE COMMISSION'S
TRANSPORTATION NETWORK COMPANY RULES, 4 CODE OF COLORADO
REGULATIONS 723-6, IMPLEMENTING HOUSE BILL 22-1089 AND SENATE BILL 22-
144 AND ESTABLISHING ADDITIONAL INSURANCE, TRAINING, OPERATIONAL, AND
REPORTING REQUIREMENTS FOR TRANSPORTATION NETWORK COMPANIES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ESTABLISHING PROCEDURES
FOR PUBLIC COMMENT HEARING**

Mailed Date: October 24, 2022

I. STATEMENT AND BACKGROUND

A. Summary

1. Consistent with Decision No. C22-0554, this Decision establishes the procedures for the remote public comment hearing scheduled for November 10, 2022 to ensure that all those who appear at the hearing may be heard. This Decision also provides information explaining how to observe the hearing without participating in it, provides information on how to submit written public comment and oral public comment outside the scheduled hearing, and clarifies that the hearing will continue until all those appearing have provided public comment, but no later than 5:00 p.m.

B. Procedural History¹

2. The Colorado Public Utilities Commission (Commission) initiated this matter by issuing a Notice of Proposed Rulemaking (NOPR) (Decision No. C22-0554), to consider amendments the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6.

3. With the NOPR, the Commission published proposed rule changes as Attachments A and B, and identified specific issues for public comment.² At the same time, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition; established deadlines for initial and responsive public comments; scheduled a fully remote public comment hearing for November 10, 2022 at 9:00 a.m. until not later than 5:00 p.m.; and noted that the ALJ "will set procedures for a remote hearing, if necessary, by a separate decision issued in this Proceeding."³

II. METHODS TO SUBMIT PUBLIC COMMENT

4. Interested persons may provide written or oral comments. Although the Commission prefers written comments over oral comments, they are given the same weight.

5. Interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Anyone using the latter option should ensure that their comments include this Proceeding number.

¹ Only the procedural history necessary to understand this Decision is included.

² Decision No. C22-0554 at 13.

³ *Id.* at 15.

6. Oral comments can be provided during the scheduled public comment hearing, or by leaving a voice mail message at 303-869-3490. Voice mail public comments will be placed in the record of this Proceeding and should include a reference to this Proceeding number.

7. The Commission will equally consider public comments, regardless of the format in which they are submitted (verbal or in writing).

III. OBSERVING OR PARTICIPATING IN PUBLIC COMMENT HEARING

A. Observing the Public Comment Hearing

8. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe, but not participate in the hearing may do so by observing the webcast of the rulemaking hearing and need not join the hearing by telephone or video-conference. To observe the rulemaking hearing by webcast, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for the assigned hearing room.⁴

9. The ALJ encourages interested persons who do not wish to provide comments during the hearing to observe the hearing through the webcast because this will help minimize background noise during the hearing and may assist in the orderly progression of the hearing.

B. Participating in the Public Comment Hearing

10. As noted in Decision No. C22-0554, the public comment hearing will begin at 9:00 a.m. on November 10, 2022, and conclude no later than 5:00 p.m.⁵ This means that, consistent with Commission practice, the public comment hearing will continue until all verbal public comments are received, but will end no later than 5:00 p.m. The hearing will not be held

⁴ The hearing room will be identified on the Commission's public calendar for the date and time of the hearing, at the following link: <https://puc.colorado.gov/pucalendar>.

⁵ *Id.*

open for public comments after all those who have appeared have provided public comment, even if this means concluding the hearing well before 5:00 p.m. For example, if all those who appear at the hearing have provided public comment by 9:30 a.m. or sooner, the hearing will be adjourned. This also means that anyone who chooses to join the public comment hearing after the 9:00 a.m. start time assumes the risk that the hearing will be concluded before they join.

11. The public comment hearing will be held using the web-hosted video-conferencing service, Zoom. This means that members of the public who wish to participate in the public comment hearing should not appear in person at the Commission's offices but should instead appear remotely via Zoom. Participants in the hearing should prepare in advance to use this platform. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by video-conference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that video-conference participants carefully review and follow all requirements in this Decision and Attachment A.

12. For those who wish to provide oral comments during the hearing, video-conference participation is preferred and encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings. Nevertheless, interested persons have the option to participate by telephone. The link, access code, and call-in information to participate in the hearing will be available on the Commission's calendar of events for the date and time of the hearing at <https://puc.colorado.gov/pucalendar>.

13. Any member of the public who wishes to participate in the public comment hearing by video-conference must use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera. Participants are required to

input their full name when prompted to do so. This will allow the ALJ to call on participants to provide oral comments in an orderly fashion.

14. During the public comment hearing, the ALJ will take action as necessary to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are required to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with minimal or no background noise; and (c) not connect to the hearing using multiple devices located in the same room (which will cause audio feedback). Participants are encouraged to use a headset to listen to the hearing, as this may also help avoid background noise and feedback when they speak.

IV. ORDER

A. It Is Ordered That:

1. Interested persons may participate in the public comment hearing by telephone or video-conference using the Zoom information provided in the Commission's calendar of events for November 10, 2022 for this Proceeding, on the Commission's website at: <https://puc.colorado.gov/pucalendar>.

2. When joining the public comment hearing, participants are required to enter their full name when prompted to do so through Zoom.

3. All participants in the public comment hearing must follow the requirements in Attachment A hereto, which is incorporated as if fully set forth herein.

4. Those wishing to observe but not participate in the November 10, 2022 9:00 a.m. public comment hearing may do so by observing the Commission's webcast for the assigned hearing room. The hearing room location is available on the Commission's calendar of events at the same link provided above. To view the webcast of the public comment hearing, interested

persons should select the webcast for the assigned hearing room at:
<https://puc.colorado.gov/webcasts>.

5. Members of the public who wish to provide written or oral comments outside of the public comment hearing may do so by following the instructions in this Decision.
6. The Administrative Law Judge may schedule additional hearings if necessary.
7. 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

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

Doug Dean,
Director