

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

PROCEEDING NO. 22A-0335CP

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IN THE MATTER OF THE APPLICATION OF TIPSY VELO LLC, DOING BUSINESS AS TIPSY VOYAGE, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
AVIV SEGEV  
REGARDING REPRESENTATION**

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Mailed Date: November 9, 2022

**I. STATEMENT**

**A. Procedural Background**

1. On July 21, 2022, Topsy Velo, LLC, d/b/a Topsy Voyage (Topsy Voyage or Applicant) filed with the Commission its Permanent Authority Application (Application), through which Applicant 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-0335CP.

2. On July 25, 2022, the Commission issued a Notice of Applications and Petitions Filed (Notice). The Notice gave notice of the Application, set procedural deadlines, and established a 30-day intervention period.

3. On August 22 and 23, 2022, Pali-Tours Ltd, Absolute Prestige Limousine II LLC, and Colorado Detours LLC d/b/a Western Colorado Wine Tour (collectively Intervenors) timely noticed their intervention of right.

4. On August 31, 2022, the Commission, via a minute entry, deemed the Application

complete and referred Proceeding No. 22A-0335CP to an Administrative Law Judge (ALJ) for disposition.

**B. Legal Representation**

5. Intervenors are not represented by legal counsel in this matter.
6. Rule 1201(a), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Rules of Practice and Procedure requires a party in a proceeding before the Commission to be represented by an attorney authorized to practice law in the State of Colorado, except that, pursuant to Rule 1201(b), 4 CCR 723-1, an individual may appear without an attorney: (a) to represent her/his own interests; or (b) to represent the interests of a closely-held entity, as provided in § 13-1-127, C.R.S. The Commission has emphasized that this requirement is mandatory and has found, if a party does not meet the criteria of this Rule, that a filing made by non-attorneys on behalf of that party is void and of no legal effect and that a non-attorney may not represent a party in Commission adjudicative proceedings. *See, e.g.*, Decisions No. C05-1018, Proceeding No. 04A-524W issued August 30, 2005; No. C04-1119, Proceeding No. 04G-101CP issued September 28, 2004; and No. C04-0884, Proceeding No. 04G-101CP issued August 2, 2004.
7. This is an adjudicative proceeding before the Commission.
8. To proceed in this matter without an attorney, Mission must meet the criteria of Rule 1201(b)(II), 4 CCR 723-1.
9. Each of the Intervenors have the burden to prove that it is entitled to proceed in this case without an attorney. To meet that burden of proof, a party must do the following: **First**, a party must establish that it is a closely held entity. This means that a party must establish that it has “no more than three owners.” Section 13-1-127(1)(a), C.R.S. **Second**, a party must demonstrate that it meets the requirements of § 13-1-127(2), C.R.S. That statute provides that an

officer<sup>1</sup> may represent a closely held entity before an administrative agency if **both** of the following conditions are met: (a) the amount in controversy does not exceed \$15,000; **and** (b) the officer provides the administrative agency with evidence, satisfactory to the agency, of the authority of the officer to represent the closely-held entity.<sup>2</sup>

10. Each of the Intervenors will be ordered either to obtain counsel or to show cause why Rule 4 CCR 723-1-1201 does not require it to be represented in this matter by an attorney at law currently in good standing before the Supreme Court of the State of Colorado.

11. If any of the Intervenors elects to obtain counsel, then such intervenor's counsel must enter an appearance in this matter on or before **close of business on November 23, 2022**.

12. If any of the Intervenors elects to obtain counsel, then such intervenor must make, on or before **November 23, 2022**, a verified (i.e., sworn) filing that: (a) establishes that a party is a closely-held entity (that is, has no more than three owners); (b) states that the amount in controversy in this matter does not exceed \$15,000 and explains the basis for that statement; (c) identifies the individual who will represent a party in this matter; (d) establishes that the identified individual is an officer of a party; and (e) if the identified individual is not an officer of a party, has appended to it a resolution from the party's Board of Directors, Board of Managers, or Managing Member that specifically authorizes the identified individual to represent a party in this matter.

13. Any party wishing to proceed without an attorney in this matter must make the filing described in ¶12.

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<sup>1</sup> Section 13-1-127(1)(i), C.R.S., defines "officer" as "a person generally or specifically authorized by an entity to take any action contemplated by" § 13-1-127, C.R.S.

<sup>2</sup> As pertinent here, § 13-1-127(2.3), C.R.S., states that an officer of a corporation "shall be presumed to have the authority to appear on behalf of the closely held entity upon providing evidence of the person's holding the specified office or status[.]"

14. Intervenor are advised that failure to make the filing described in ¶ 11 above or file Counsel's entry of appearance, by November 23, 2022, will result in dismissal of its intervention without prejudice.

## II. ORDER

### A. **It Is Ordered That:**

1. Pali-Tours Ltd (Pali-Tours) must choose either to obtain legal counsel or to make a show cause filing that comports with Paragraph No. I.B.12 above.

2. If Pali-Tours elects to obtain legal counsel, then legal counsel shall enter an appearance in this proceeding on or before November 23, 2022.

3. If Pali-Tours elects to show cause, then on or before November 23, 2022, it shall show cause why it is not required to be represented by legal counsel. The show cause filing shall meet the requirements set out in ¶ Nos. I.B.9 and I.B.12, above.

4. Absolute Prestige Limousine II LLC (Absolute Prestige Limousine) must choose either to obtain legal counsel or to make a show cause filing that comports with Paragraph No. I.B.12 above.

5. If Absolute Prestige Limousine elects to obtain legal counsel, then legal counsel shall enter an appearance in this proceeding on or before November 23, 2022.

6. If Absolute Prestige Limousine elects to show cause, then on or before November 23, 2022, it shall show cause why it is not required to be represented by legal counsel. The show cause filing shall meet the requirements set out in ¶ Nos. I.B.9 and I.B.12, above.

7. Colorado Detours LLC d/b/a Western Colorado Wine Tour (Colorado Detours) must choose either to obtain legal counsel or to make a show cause filing that comports with Paragraph No. I.B.12 above.

8. If Colorado Detours elects to obtain legal counsel, then legal counsel shall enter an appearance in this proceeding on or before November 23, 2022.

9. If Colorado Detours elects to show cause, then on or before November 23, 2022, it shall show cause why it is not required to be represented by legal counsel. The show cause filing shall meet the requirements set out in ¶ Nos. I.B.9 and I.B.12, above.

10. 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