

Decision No. R22-0764-I

**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  
RESCHEDULING PREHEARING CONFERENCE  
AND WAIVING RESPONSE TIME**

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Mailed Date: November 23, 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 July 26, 2022, Powderhorn Pacific, LLC, d/b/a Powderhorn Mountain Resort (Powderhorn) timely noticed its intervention of right.

4. On August 22, 2022, Pali-Tours Ltd (Pali-Tours) and Absolute Prestige Limousine II LLC (Absolute Prestige) timely noticed their intervention of right.

5. On August 23, 2022, Rapid Creek Cycles & Sports, LLC (Rapid Creek) timely noticed its intervention of right.

6. On August 24, 2022, Colorado Detours LLC d/b/a Western Colorado Wine Tour (Colorado Detours) timely noticed its intervention of right.

7. 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.

8. On November 17, 2022, by Decision No. R22-0740-I, the ALJ scheduled a prehearing conference in this matter for November 28, 2022.

9. On November 22, 2022, Applicant filed its Motion to Vacate and Reschedule Prehearing Conference and to Waive Response Time (Motion).

**B. Motion**

10. The ALJ scheduled a prehearing conference in this matter on a short notice and without previously consulting with the parties.

11. In the Motion, Applicant contends that it will be unable to attend the prehearing conference, or meet with the conferral deadline, set forth in Decision No. R22-0740-I.

12. As more specifically stated in the Motion, Applicant demonstrates good cause for the requested relief.

13. The ALJ finds that the response time to the Motion would otherwise expire after the originally scheduled prehearing conference, and that no harm will come to any party by not holding the prehearing conference as scheduled. Therefore, response time to the Motion will be waived.

### C. Remote Prehearing Conference

14. In anticipation of hearing, the undersigned ALJ will reschedule a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. Accordingly, a remote prehearing conference shall be scheduled as ordered below. The remote prehearing conference will be conducted over the Zoom videoconferencing platform. The ALJ or a member of Commission Staff will email the log-in information in advance of the hearing.

15. Tipsy Voyage shall confer with the other parties in advance of the remote prehearing conference regarding a schedule for this proceeding, any discovery procedures that are inconsistent with the Commission's rules governing discovery, and the method by which the hearing should be conducted. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location. **Note:** A webcast of proceedings through the Commission's website is only available for hearings originating at the Commission's offices (i.e., hybrid or in person) or fully remote.<sup>1</sup>

16. Tipsy Voyage shall file a report of the results of the conferral. If there is agreement on a schedule, including dates for the hearing, discovery procedures that are inconsistent with the

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<sup>1</sup> Thus, a webcast of the prehearing conference will be available through the Commission's website, unless it is vacated by separate decision.

Commission's rules governing discovery, and/or the method for conducting the hearing (e.g., remote, hybrid, or in-person), the report shall state as much and detail the stipulated procedural schedule, discovery procedures, and/or method for conducting the hearing. If no agreement is achieved, the report shall state as much and identify the competing schedules, discovery procedures, and/or methods for conducting the hearing proposed by the parties. The parties are on notice that the ALJ will retain the discretion to adopt procedures governing the proceeding.

17. The parties are urged to review the Commission's public calendar to identify suitable days for the hearing in this proceeding and propose more than one date or consecutive dates for the hearing.

18. All parties must appear at the remote prehearing conference. Failure to attend or to participate in the remote prehearing conference is a waiver of any objection to the rulings made, to the procedural schedule established, and to the hearing dates scheduled during the remote prehearing conference.

## **II. ORDER**

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

1. The Notices of Intervention as of Right, filed by Powderhorn Pacific, LLC, d/b/a Powderhorn Mountain Resort, Pali-Tours Ltd, Absolute Prestige Limousine II LLC, Rapid Creek Cycles & Sports, LLC, Colorado Detours LLC d/b/a Western Colorado Wine Tour, and Colorado Detours LLC d/b/a Western Colorado Wine Tour on July 26, 2022, August 22, 2022, August 23, 2022, and August 24, 2022, respectively, are acknowledged.

2. Response time to Applicant's Motion to Vacate and Reschedule Prehearing Conference and to Waive Response Time, filed on November 22, 2022, is waived and Applicant's requested relief is granted.

3. The prehearing conference scheduled for November 28, 2022 is vacated.

4. A prehearing conference in this proceeding is scheduled as follows:

DATE: December 13, 2022

TIME: 9:30 a.m.

WEBCAST: Hearing Room B

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge<sup>2</sup>

5. Nobody should appear in-person for the remote prehearing conference.

6. Tipsy Velo, LLC, d/b/a Tipsy Voyage shall file the report of the conferral identified above on or before December 7, 2022.

7. 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

<sup>2</sup> Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All parties are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.