

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

PROCEEDING NO. 22A-0403CP-EXT

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IN THE MATTER OF THE APPLICATION OF GROOME TRANSPORTATION OF SOUTHERN COLORADO, LLC DOING BUSINESS AS GROOME TRANSPORTATION TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55275.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
AVIV SEGEV  
SCHEDULING HEARING AND  
ESTABLISHING PROCEDURAL SCHEDULE**

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Mailed Date: December 1, 2022

**I. STATEMENT**

1. On September 20, 2022, Groome Transportation of Southern Colorado, LLC doing business as Groome Transportation (Applicant), filed its Application for Permanent Authority to Extend Operations Under Certificate of Public Convenience and Necessity No. 55275 (Application). The matter was referred to an Administrative Law Judge (ALJ) for disposition by minute entry during the Commission's Weekly Meeting held November 9, 2022.

2. On October 10, 2022, the Commission gave notice of the Application. As originally noticed, the application sought the following authority:

I. Transportation of passengers, in call-and-demand shuttle service, between all points within a 50-mile radius of the intersection of Interstate Highway 25 and North Nevada Avenue, Colorado Springs, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

II. Transportation of passengers, in scheduled service, between the Colorado Springs Municipal Airport, Colorado Springs, Colorado, on the one hand, and Denver International Airport, Denver, Colorado, on the other hand; serving points on schedule: a) located within one mile of Interstate Highway 25 between the intersection of Interstate Highway 25 and Northern Avenue, Pueblo, Colorado,

and the intersection of Interstate Highway 25 and Founders Parkway, Castle Rock, Colorado; and b) located within one-mile of U. S. Highway 50 between the intersection of U. S. Highway 50 and McCulloch Boulevard, Pueblo West, Colorado, and the intersection of U. S. Highway 50 and Interstate Highway 25, Pueblo, Colorado.

**RESTRICTIONS:**

Item (I) is restricted against transportation service from points in Pueblo, El Paso, and Douglas Counties, State of Colorado to Cripple Creek, Colorado.

Applicant has not filed its testimony and exhibits with its application and is seeking a Commission decision within 250 days.

3. On November 3, 2022 City Cab, LLC (Intervenor) timely intervened of right.
4. On November 22 and 28, 2022, the Applicant's counsel indicated that the parties were flexible with respect to the method and location of an evidentiary hearing in this matter.

5. **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, unless filed and served in accordance with the procedural schedule.

6. Any party wishing to make an oral closing statement may do so immediately following the close of the evidence (*i.e.*, after presentation of evidence near the end of the hearing).

7. **Parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* (CCR) 723-1, Part 1. The ALJ expects the parties to comply with these rules. The rules are available on the Commission's website (<http://www.dora.colorado.gov/puc>) and in hard copy from the Commission.

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

**A. Procedures for the Remote Evidentiary Hearing.**

9. Given the parties' flexibility, the COVID-19 pandemic, and efficiency considerations, a remote evidentiary hearing will be scheduled in this proceeding.

10. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by videoconference allows parties and witnesses to view exhibits on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

11. The evidentiary hearing will be conducted via videoconference using Zoom. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the remote hearing may be disrupted by non-participants, the link and meeting ID, or access code, to attend the hearing will be provided to the parties by email before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

12. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing.

13. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

**B. Informal Video-Conference Practice Session.**

14. The ALJ will hold an informal practice video-conference session if requested by either or both parties to give the parties an additional opportunity to practice using Zoom and box.com before the hearing.

15. The parties may contact a Commission Legal Assistant by email at [casey.federico@state.co.us](mailto:casey.federico@state.co.us) to schedule an informal practice video-conference session.

16. The parties will receive information and a link to participate in the informal practice session by email.

**C. Additional Procedural Requirements**

17. The parties are on notice that the ALJ will retain the discretion to adopt procedures governing this proceeding, including with respect to the method, location, and time of the evidentiary hearing.

**II. ORDER**

**A. It Is Ordered That:**

1. Groome Transportation of Southern Colorado, LLC, doing business as Groome Transportation, must file its list of witnesses and copies of its exhibits that it will present at hearing no later than December 12, 2022.

2. City Cab, LLC must file its list of witnesses and exhibits to be presented at hearing no later than January 2, 2023.

3. A remote evidentiary hearing on the above-captioned application is scheduled as follows:

DATE: January 23, 2023  
TIME: 9:00 a.m.  
METHOD: Join by videoconference online at the Zoom link emailed to counsel before the hearing.<sup>1</sup>

4. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, counsel and the parties will participate in the hearing from remote locations, consistent with the requirements of this Interim Decision.

5. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

6. **Video-Conference Participation.** Counsel for the parties and witnesses are required to participate in the evidentiary hearing by videoconference using the Zoom platform. Counsel for the parties must ensure that they and their respective witnesses are ready and able to participate in the evidentiary hearing by videoconference using Zoom.

7. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing will be held remotely by videoconference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com *during the hearing.*

8. The Administrative Law Judge will hold an informal Zoom practice session upon request.

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<sup>1</sup> Instructions for using the Zoom videoconferencing platform are provided in Attachment A to this Decision.

9. The parties shall comply with the requirements established in this Interim Decision and shall make the filings as required by the adopted procedural schedule.

10. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

AVIV SEGEV

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,  
Interim Director