

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

PROCEEDING NO. 22A-0132CP

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IN THE MATTER OF THE APPLICATION OF NDW ENTERPRISES LLC DOING BUSINESS AS SKI TOWN TRANSPORTATION 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  
CONOR F. FARLEY  
ORDERING FILING OF JOINT STATUS REPORT,  
SCHEDULING REMOTE PREHEARING CONFERENCE,  
ORDERING PARTIES TO ADDRESS WHETHER  
EXTRAORDINARY CONDITIONS EXIST JUSTIFYING  
THE EXTENSION OF THE STATUTORY DEADLINE BY  
130 DAYS, AND ORDERING APPLICANT TO SHOW  
CAUSE WHY THE APPLICATION SHOULD NOT BE  
DISMISSED FOR FAILURE TO PROSECUTE**

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Mailed Date: December 16, 2022

**I. STATEMENT**

**A. Background**

1. On March 25, 2022, NDW Enterprises LLC, doing business as Ski Town Transportation (Ski Town), filed its Permanent Authority Application.

2. The Commission gave notice of the application on March 28, 2022. As originally noticed, the application sought the following authority:

a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers, in Shuttle service:

- (1) between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area, on the other hand;

- (2) between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Craig, Colorado, including all points within one mile of the town limits of Craig, Colorado, on the other hand; and
- (3) between all points within the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area.
3. On April 13, 2022, Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Go Alpine), timely intervened of right.
4. The Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ) for resolution by minute entry during the Commission's Weekly Meeting held on May 4, 2022. The proceeding was subsequently assigned to Chief ALJ G. Harris Adams.
5. On May 11, 2022, Chief ALJ Adams issued Decision No. R22-0292-I that provided an opportunity for the parties to file a Statement Regarding the Hearing identifying the party's preference for an in-person, remote, or hybrid hearing.
6. On May 24, 2022, Chief ALJ Adams issued Decision No. R22-0322-I that, among other things, established a procedural schedule, including an in-person hearing in Steamboat Springs on September 12-13, 2022.
7. The in-person hearing took place on September 12-13, 2022. During the hearing on September 13, 2022, the parties stated on the record that they had reached a settlement of the dispute in this proceeding. Both parties stated that they would file a document detailing the settlement agreement and requesting further action by the Commission. To date, the parties have not filed the settlement agreement or any other document.
8. The proceeding has been transferred to the undersigned ALJ.

**B. Joint Status Report**

9. By December 20, 2022, the parties shall file a Joint Status Report addressing:  
(a) the status of their settlement agreement, their failure to file the settlement document promised at the hearing on September 13, 2022, and any plan by the parties to file the promised settlement agreement; and (b) whether they will waive the deadline imposed by § 40-6-109.5(2), C.R.S.

**C. Remote Prehearing Conference**

10. A remote prehearing conference will take place on January 4, 2023 at 9:30 a.m. at which the parties must be prepared to address their responses in the Joint Status Report and whether extraordinary conditions exist justifying the extension of the statutory deadline by an additional 130 days pursuant to § 40-6-109.5(4), C.R.S. In addition, Ski Town should also be prepared to show cause why the Application should not be dismissed for failure to prosecute.

**II. ORDER**

**A. It Is Ordered That:**

1. The parties shall file a Joint Status Report by December 20, 2022 addressing the topics detailed above.

2. A remote prehearing conference is scheduled as follows:

DATE: January 4, 2023

TIME: 9:30-10:30 a.m.

WEBCAST: Commission Hearing Room B

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

OR Commission Staff<sup>1</sup>

3. At the remote prehearing conference, the parties should be prepared to discuss: (a) the topics addressed in the Joint Status Report; and (b) whether extraordinary conditions exist justifying the extension of the statutory deadline by an additional 130 days pursuant to § 40-6-109.5(4), C.R.S.

4. At the remote prehearing conference, NDW Enterprises LLC, doing business as Ski Town Transportation should also be prepared to show cause why the Application should not be dismissed for failure to prosecute.

5. This Decision shall be effective immediately.

( S E A L )



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

G. Harris Adams,  
Interim Director

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<sup>1</sup> Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.