

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0138CP

IN THE MATTER OF THE APPLICATION OF DRIVERS COOPERATIVE - COLORADO, LCA FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
GRANTING INTERVENTIONS, REQUIRING FILING AND
SETTING PREHEARING CONFERENCE**

Issued Date: May 30, 2025

I. STATEMENT

1. On March 27, 2025, Driver's Cooperative-Colorado LCA ("Driver's Cooperative") initiated the captioned proceeding by filing an application seeking a Certificate of Public Necessity and Convenience to Operate as a Common Carrier by Motor Vehicle for Hire ("Application") with the Colorado Public Utilities Commission ("Commission") through counsel.

2. On April 7, 2025, the Commission provided public notice of the application to extend the permit by publishing a summary of the same in its Notice of Applications Filed:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in-call-and-demand shuttle service, call-and-demand charter service, and call-and-demand sightseeing service

between all points in the Counties of Adams, Arapahoe, Broomfield, Denver, Douglas, Jefferson, Elbert, Park, Clear Creek, Gilpin County, El Paso, Montrose, Boulder, and Eagle, State of Colorado.

This application is restricted against:

(a) transportation service between any points in the Town of Estes Park,

(b) transportation service between any points in Larimer County,

(c) transportation service between any points in Larimer County to Denver International Airport, and

(d) transportation service from Denver International Airport to any points in Larimer County.

3. On April 15, 2025, Mountain Star Transportation LLC, doing business as Explorer Tours and/or Red Rocks Shuttle (“Explorer”) and Epic Charter LLC (“Epic”) filed its Intervention through Roman Lysenko. Mr. Lysenko is identified as the president and owner of Explorer in the filing. This filing attached Commission Authority No. 55952 held by Explorer and Commission Authority No. 56012 held by Epic.

4. On April 16, 2025, Aspire Tours LLC (“Aspire”), filed its Intervention through its owner Kathleen Troxler. This filing attached Commission Authority No. 55865 held by Aspire.

5. On April 18, 2024, CKIMY, LLC doing business as iLIMO (“iLIMO”) filed its Intervention through its president Yassine Chanane. This filing did not contain any Commission Authority held by iLIMO.

6. On May 7, 2025, Hey Rides, Ltd. (“Hey Rides”), filed its Intervention through its owner Erica Gilmore. This filing attached Commission Authority No. 55965 held by Hey Rides.

7. On May 14, 2025, the Commission deemed the application complete and referred it to the undersigned Administrative Law Judge (“ALJ”) for disposition.

II. INTERVENTIONS

8. Finding good cause, and in the absence of any objection from Applicant, the ALJ finds that Explorer, Epic, Aspire and Hey Rides have established their standing as an intervenor in accordance with the Commission's Rules of Practice and Procedure.

9. As noted above, iLIMO failed to file any Commission authority with its intervention. iLIMO shall file a copy of its Commission authority as required by 4 *Code of Colorado Regulations* (CCR) 723-1-1401(e)(I) of the Rules of Practice and Procedure, no later than June 20, 2025. Failure to do so will result in the Intervention being denied.

A. **Legal Representation**

10. Under Rule 1201(b) 4 CCR 723-1, a party in an adjudicatory proceeding before the Commission shall be represented by an attorney *unless* the party is an individual appearing for the sole purpose of representing her/his own interests **or** for purposes of representing the interests of a closely-held entity pursuant to § 13-1-127, C.R.S. The Commission has emphasized that this requirement is mandatory and has found that if a party does not meet the criteria of this rule a non-attorney may not represent a party in such a proceeding. *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.

11. Aspire in its Intervention identified Kathleen Troxler as the owner of, stated the amount in controversy does not exceed \$15,000 and Aspire¹ is a closely held entity. Ms. Troxler may represent the interests of Express Services in this proceeding.

¹ The Intervention states that Mountain Star Transportation is a closely held entity. The ALJ believes that this is a typographical error, and it should state that Aspire is a closely held entity.

12. In their Intervention, Explorer and Epic identified Mr. Roman Lysenko as their president and owner and stated the amount in controversy does not exceed \$15,000 and that Explorer is a closely held entity. Mr. Lysenko may represent the interests of Explorer and Epic in this proceeding.

13. In its Intervention, Hey Rides identified Ms. Erica Gilmore as the owner of Hey Rides, stated the amount in controversy does not exceed \$15,000 and that Hey Rides is a closely held entity. Ms. Gilmore may represent the interest of Hey Rides in this proceeding

14. A party allowed to proceed *pro se* (“that is, without an attorney”) in this matter, is advised, and is on notice, that its representative will be bound by the same procedural and evidentiary rules as an attorney.

III. REMOTE PREHEARING CONFERENCE

15. Given the procedural posture of the case, it is appropriate to hold a prehearing conference to address several issues. The parties to this proceeding should be prepared to discuss all procedural and substantive issues, including, but not limited to, deadlines for witness lists, exhibits, and a date(s) for a hearing on the Application.

16. Participants will appear at the prehearing conference from remote locations by videoconference and may not appear in person for the prehearing conference. The remote prehearing conference will be held using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

17. To minimize the potential that the videoconference hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to

the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing. Parties will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this Proceeding. As such, it is important that all parties ensure that the Commission has the correct email address for them.

18. Parties are on notice that failure to appear at the prehearing conference may result in dismissing the Application without prejudice or dismissing an intervention. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of any objection to the rulings made during the prehearing conference.

19. A prehearing conference in this matter will be scheduled as ordered.

IV. ORDER

A. It Is Ordered That:

1. The interventions of Mountain Star Transportation LLC, doing business as Explorer Tours and/or Red Rocks Shuttle, Epic Charter LLC, Aspire Tours LLC and Hey Rides, Ltd. are granted.

2. CKIMY, LLC doing business as iLIMO is ordered file a copy of its Commission authority as required by 4 *Code of Colorado Regulations* (CCR) 723-1-1401(e)(I) of the Rules of Practice and Procedure, no later than June 20, 2025. Failure to do so will result in its Intervention being denied.

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

DATE: June 26, 2025

TIME: 10:00 a.m.

PLACE: Join by videoconference using Zoom

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, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

5. All participants must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

6. The Parties shall be held to the advisements in this Decision

7. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director