

Decision No. R25-0496-I

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 INTERVENTION, SCHEDULING HEARING,
ESTABLISHING PROCEDURAL SCHEDULE, AND
PROVIDING FURTHER INSTRUCTIONS**

Issued Date: July 1, 2025

I. STATEMENT

1. On March 27, 2025, Drivers Cooperative-Colorado LCA (“Drivers 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, 2025, 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.

8. On June 6, 2025, the attorney of record for Drivers Cooperative, Mark Valentine, filed a Notice of Withdrawal of Counsel of Record due to a conflict of interest arising from the intervention of Aspire. No objection to the withdrawal was filed.

9. On June 20, 2025, iLIMO filed Commission Authority No. 55822 and Commission Authority No. 55931, both held by iLIMO.

II. PRE-HEARING CONFERENCE

A. Intervention of iLIMO

10. iLIMO failed to file any Commission Authority with its intervention, Decision No. R25-0412-I directed iLIMO to file such authority no later than June 20, 2025, to be able to participate in this Proceeding.

11. On June 20, 2025, iLIMO filed Commission Authority No. 55822 and Commission Authority No. 55931, both held by iLIMO. Accordingly, the ALJ grants iLIMO's intervention.

B. Required Filing by Driver's Cooperative

12. A pre-hearing conference was held on June 26, 2025. Appearances were entered for Drivers Cooperative, Explorer, Epic, Aspire, and Hey Rides. iLIMO failed to appear.

13. At the pre-hearing conference, the ALJ informed the representative for Drivers Cooperative that it must file additional information regarding its ownership structure to establish that it may represent itself in this Proceeding.

14. 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.

15. Since Drivers Cooperative is not an individual, if it wishes to proceed in this matter without an attorney, it must establish that it is a closely-held entity; *i.e.*, that it has no more than three owners. *See*, Rule 1201(b)(II), 4 CCR 723-1 and § 13-1-127(1)(a), C.R.S. It must also demonstrate that it meets the requirements of § 13-1-127(2), C.R.S. This portion of the statute provides that an officer¹ 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.²

16. Drivers Cooperative shall be ordered either to obtain counsel or to show cause why Rule 1201, 4 CCR 723-1 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.

17. Drivers Cooperative shall make this filing by July 11, 2025.

C. PROCEDURAL SCHEDULE

18. At the pre-hearing conference the parties agreed to the following procedural schedule:

¹ 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.

² As pertinent here, § 13-1-127(2.3), C.R.S., states that a person in whom management of a limited liability company is vested or reserved “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[.]”

On or before July 18, 2025, Drivers Cooperative is ordered to file and serve on all intervenors: (a) a list that identifies the witnesses Drivers Cooperative intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits Drivers Cooperative will present at the hearing.

On or before August 1, 2025, all Intervenor are ordered to file and serve on Drivers Cooperative: (a) a list that identifies the witnesses the Intervenor intends to call at the hearing, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of the exhibits the Intervenor will present at the hearing.

19. An evidentiary hearing shall be held on August 19, 2025, commencing at 9:00 am.

20. As referenced in this Decision, serving a party with any document (e.g., witness and exhibit lists and exhibits) means that the party is required to give the document to the other party or parties to the proceeding. Service must be accomplished pursuant to Rule 1205 of the Commission's Rules of Practice and Procedure. The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

21. All parties must establish through a certificate of service that they have served a filed document on all other parties in the proceeding. A certificate of service is a statement indicating how and when a document was served on the other party (e.g., the filing was served by placing the document in the United States mail, first class postage prepaid to an identified address on an identified date).

D. Unified Numbering System for Hearing Exhibits

22. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated

box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1.

23. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

24. To efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Drivers Cooperative is assigned hearing exhibit numbers 100 to 199;
- Explorer is assigned hearing exhibit numbers 200 to 299;
- Aspire is assigned hearing exhibit numbers 300 to 399;
- Hey Rides is assigned hearing exhibit numbers 400 to 499; and
- iLIMO is assigned hearing exhibit numbers 500 to 599.

E. Additional Procedural Notices and Advisements

25. The Parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

26. Additional procedural requirements may be addressed in future Interim Decisions.

27. The Parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties comply with these rules.

28. The rules are available on the Commission's website at <http://puc.colorado.gov/pucrules> and in hard copy from the Commission.

29. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interest.

F. Informational Video Conference Practice Session

30. The ALJ will hold an informal practice video conference session if requested by any Party to give the Parties an additional opportunity to practice using Zoom.

31. The Parties may contact the Commission Legal Assistants by email at casey.federico@state.co.us or stephanie.kunkel@state.co.us to schedule an informal practice video conference session.

32. The Parties request a practice video conference they will receive information and a link to participate in the informal practice session by email.

33. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

34. The Parties are on notice that: (a) any witness may be prohibited from testifying, except in rebuttal, unless that witness is identified on the list of witnesses filed and served as required herein; (b) failure to provide an accurate description of the anticipated testimony of a witness may also result in an order prohibiting such witness from testifying; and (c) any exhibit may not be received in evidence, except in rebuttal, unless filed and served as required herein.

G. Additional Advisements

35. The Parties are advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the Parties to be

familiar with and to comply with these rules. The rules are available on the Commission’s website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

III. ORDER

A. It Is Ordered That:

1. The intervention of CKIMY, LLC doing business as iLIMO is granted.
2. Drivers Cooperative-Colorado LCA (“Drivers Cooperative”) shall make the filing concerning legal representation described in ¶ 15 above on or before close of business on July 11, 2025.
3. Alternatively, in the event that Drivers Cooperative elects to retain an attorney, such attorney shall enter an appearance in this proceeding on or before close of business on July 11, 2025.
4. The procedural schedule as stated above is adopted.
5. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: August 19, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconference using Zoom
6. 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.
7. All participants must comply with the requirements in Attachment A and B to this Decision, which is incorporated into this Decision.

8. The Parties shall be held to the advisements in this Decision
9. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

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

Rebecca E. White,
Director