

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0155CP

IN THE MATTER OF THE APPLICATION OF SHUTTLE RED ROCKS LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
MODIFYING HEARING SCHEDULE AND
DISMISSING INTERVENTION**

Issued Date: July 17, 2025

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision vacates the September 9 and 11, 2025 evidentiary hearing; schedules an evidentiary hearing for September 5, 2025; and dismisses Aspire Tours LLC’s (“Aspire”) Petition for Intervention and Entry of Appearance (“Aspire’s Intervention”) and Aspire as a party.

B. Procedural History¹

2. On April 3, 2025, Applicant Shuttle Red Rocks LLC (“Applicant”) initiated this Proceeding by filing the above-captioned Application with supporting documentation with the Public Utilities Commission (“Commission”).

3. On April 9, 2025, Applicant amended the Application to seek a Certificate of Public Convenience and Necessity (“CPCN”) to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service between the Red Rocks Park and Amphitheatre, on the one hand, and on the other hand, the following locations in Denver,

¹ Only the procedural history necessary to understand this Decision is included.

Colorado: (a) 29th Street and Larimer Street; (b) 14th Street and California Street; (c) 19th Street and Wynkoop Street; and (d) W. 30th Avenue and Tejon Street.²

4. On April 14, 2025, the Commission provided public notice of the Application, as amended (“Amended Application”) per § 40-6-108(2), C.R.S.³

5. On April 15, 2025, Mountain Star Transportation LLC doing business as Red Rocks Shuttle and Epic Charter LLC (collectively, “Joint Interveners”) filed a “Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance . . .” with attachments, and a corrected Intervention.

6. On April 18, 2025, Applicant made a filing objecting to Joint Interveners’ Interventions.⁴

7. On May 5, 2025, Aspire filed its Intervention, to which Applicant objected via a filing made May 16, 2025.⁵

8. On May 21, 2025, during its weekly meeting, the Commission deemed the Application complete and referred this matter to an administrative law judge (“ALJ”) for disposition.

9. On June 9, 2025, the ALJ scheduled an evidentiary hearing on the Amended Application for September 9 and 11, 2025; acknowledged Joint Interveners and Aspire as parties; required Aspire to make a filing by June 20, 2025 addressing its legal representation; and established a procedural schedule and procedures to facilitate the evidentiary hearing, among other matters.⁶

² Applicant’s Amendment file April 9, 2025.

³ Notice at 2.

⁴ Response of Shuttle Red Rocks LLC to Interveners’ ‘Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance filed April 18, 2025.

⁵ Response to Petition for Intervention Filed by Aspire Tours LLC filed May 16, 2025.

⁶ Decision No. R25-0444-I at 16-20 (issued June 9, 2025).

II. FINDINGS, ANALYSIS, AND CONCLUSIONS

A. **Aspire's Intervention**

10. As Decision No. R25-0444-I explains, generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.⁷ For a non-attorney to appear on behalf of a business formally organized under the laws of a state, it must establish the company's eligibility to be represented by a non-attorney, and that the designated representative has authority to represent the company.⁸

11. As noted in Decision No. R25-0444-I, Aspire is a limited liability company.⁹ Aspire's owner, Ms. Kathrin Troxler, a non-attorney, filed its Intervention.¹⁰ Aspire's Intervention fails to establish that it may be represented by Ms. Troxler or any other non-attorney.¹¹ As such, Decision No. R25-0444-I requires Aspire to either have counsel enter an appearance on its behalf or make a filing by 5:00 p.m. on June 20, 2025 establishing that it is eligible to be represented by a non-attorney and that the designated non-attorney has authority to represent it, consistent with the legal authority discussed in that Decision.¹² The Decision twice warns Aspire that if it fails to make the required filing or have counsel enter an appearance on its behalf by the established deadline without showing good cause, it may be dismissed as a party from this Proceeding.¹³

⁷ Decision No. R25-0444-I at 8-9; Rule 1201(a) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

⁸ § 13-1-127, C.R.S.; Rule 1201(b)(II), 4 CCR 723-1. *See* Decision No. R25-0444-I at 8-9. For a formally organized company to be represented by a non-attorney, the company must not have more than three owners; the amount in controversy must not exceed \$15,000; and the non-attorney individual seeking to represent the company must provide satisfactory evidence demonstrating his or her authority to represent the company in the proceeding. § 13-1-127(2) and (2.3)(c), C.R.S.; Rule 1201(b)(II), 4 CCR 723-1.

⁹ Aspire's Intervention at 1.

¹⁰ *Id.* at 3.

¹¹ *See generally, id.* at 1-3.

¹² Decision No. R25-0444-I at 8-10 and 17.

¹³ *Id.* at 10 and 17.

12. Aspire failed to make the required filing at all, let alone by the June 20, 2025 deadline. Aspire has not established good cause for its failure to comply with Decision No. R25-0444-I. Almost one month has passed since Aspire's missed deadline, and it still has not acted. Indeed, Aspire has filed nothing since submitting its Intervention on May 5, 2025.

13. Given Aspire's failure to comply with Decision No. R25-0444-I without good cause therefore shown, and its failure to otherwise establish that it may be represented by a non-attorney or have counsel enter an appearance on its behalf, Aspire is dismissed as a party to this Proceeding.

B. Hearing Schedule

14. Due to a conflict that arose after the hearing was scheduled, the ALJ is modifying the hearing schedule. In addition, since Aspire is no longer a party, it does not appear necessary to reserve two days for a hearing. As such, the hearing will be held on one day. The remaining parties may request a second hearing date or that the new hearing date be modified should they be unavailable. To do so, they must make a filing by August 1, 2025. In this filing, a party seeking to modify the hearing date or add a second hearing date must identify hearing dates that the other parties are available. This means the parties must ensure that they confer with each other before making such a filing, as required by Rule 1400(a), 4 CCR 723-1.

15. This Decision only modifies portions of Decision No. R25-0444-I that schedule the hearing for September 9 and 11, 2025. Everything else in that Decision remains in full force and effect (including that the hearing will be fully remote, along with all the procedures to facilitate that).

16. Applicant is on notice that failure to appear at the evidentiary hearing may result in dismissal of the Amended Application for failing to pursue or prosecute it. Similarly, Interveners

are on notice that failure to appear at the evidentiary hearing may result in decisions adverse to their interests, including granting the complete relief the Amended Application seeks or dismissing an Intervener as a party to this Proceeding.

III. ORDER

A. It Is Ordered That:

1. The remote hearing scheduled for September 9 and 11, 2025 is vacated.
2. A fully remote evidentiary hearing on the merits of the Amended Application in this

Proceeding is scheduled as follows:

DATE: September 5, 2025

TIME: 9:00 a.m.

PLACE: Join by videoconference using Zoom

3. To minimize the potential that the 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 participants in the hearing are prohibited from distributing that information to anyone not participating in the hearing.

4. Consistent with the above discussion, Aspire Tours LLC (“Aspire”) is dismissed as a party to this Proceeding. Aspire is no longer a party to this Proceeding.

5. Unless specifically modified herein, Decision No. R25-0444-I (issued June 9, 2025) remains in full force and effect. Likewise, Attachments A and B to Decision No. R25-0444-I remain in effect and are not included again with this Decision.

6. The remaining parties may request a second hearing date be scheduled or that the September 5, 2025 hearing be rescheduled by making a filing on or by 5:00 p.m. on August 1, 2025 that meets the requirements discussed above.

7. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director