

Decision No. R25-0540-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0202CP

IN THE MATTER OF THE APPLICATION OF EMERALD EXPRESS TRANSPORTATION INC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
PROVIDING OPPORTUNITY FOR EACH PARTY TO FILE
A STATEMENT REGARDING HEARING, ESTABLISHING
PROCEDURAL SCHEDULE, AND PROVIDING FURTHER
INSTRUCTIONS**

Issued Date: July 23, 2025

I. STATEMENT

A. Background

1. On May 19, 2025, Emerald Express Transportation Inc. (“Emerald Express”) filed the application described in the caption above (“Application”).

2. On May 23, 2025, Emerald Express filed: (a) an amendment to the Application that revised the description of the geographic scope of the authority sought (“Amendment”); and (b) Application for Temporary Authority for the same geographic scope of authority sought in the Amendment. The Application for Temporary Authority was a duplicate of the same application filed in Proceeding No. 25A-0197CP-TA, which the Commission denied in Decision No. C25-0456 on June 16, 2025.

3. On May 27, 2025, the Commission issued public notice of the authority sought by Emerald Express in the Application as follows:

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

(1) Transportation of passengers in call-and-demand shuttle service between all points within the city of Steamboat Springs, Colorado, and between said points, on the one hand, and the Yampa Valley Regional Airport, Hayden, Colorado, on the other hand.

(2) Transportation of passengers in call-and-demand shuttle service between all points within the city of Craig, Colorado, and between said points, on the one hand, and the Yampa Valley Regional Airport, Hayden, Colorado, on the other hand.

4. On June 11, 2025, Alpine Taxi/Limo, Inc. (“Alpine Taxi”) filed a Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance, and Request for Hearing.

5. On June 17, 2025, NDW Enterprises LLC d/b/a Ski Town Transportation (“Ski Town Transportation”) filed an Intervention by Right to Permanent Authority Application.

6. On July 9, 2025, the Commission deemed the Application complete and referred the proceeding by minute entry to an Administrative Law Judge. The proceeding was subsequently assigned to the undersigned ALJ.

B. Statement Regarding Hearing

7. In the Application, Emerald Express requests a hearing in Denver. Ski Town Transportation requests an in-person hearing in Steamboat Springs. Alpine Taxi did not address the location or the method of the hearing in its intervention.

8. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over

the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. The in-person part of a hybrid hearing must take place in one of the Commission's hearing rooms in Denver. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

9. Each party will be given the opportunity to file a Statement Regarding Hearing identifying the party's preference for an in-person, remote, or hybrid hearing. If an in-person hearing not in Denver is preferred, the party requesting as much must identify its preferred location and provide an explanation of why the in-person hearing should not take place in one of the Commission's hearing rooms in Denver or as a remote or hybrid hearing. Any additional information supporting a request for a particular method of conducting the hearing (*e.g.*, remote, hybrid, or in-person) can be included in a Statement Regarding Hearing.

10. The deadline for the filing of the Statements Regarding Hearing will be **August 1, 2025**. The parties are on notice that the ALJ will retain discretion to choose and change the method by which the hearing will be conducted (*e.g.*, remote, hybrid, or in-person) and/or the location of the hearing.

C. Procedural Schedule

11. To facilitate the orderly and efficient litigation of this proceeding, the ALJ finds and concludes that a procedural schedule should be adopted, so that each party will have an opportunity prior to the hearing to review a summary of the anticipated testimony of each witness the other party intends to call at the hearing, and to review copies of the exhibits the other party will present at the hearing. Therefore, this Decision will order the parties to file, and

to serve on each other, a list of witnesses, a summary of the testimony of each witness, and copies of the exhibits the filing party intends to present at the hearing.

12. On or before **August 22, 2025**, Emerald Express will be ordered to file and serve on Intervenor: (a) a list that identifies the witnesses Emerald Express 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 Emerald Express intends to present at the hearing.

13. On or before **September 19, 2025**, Alpine Taxi and Ski Town Transportation will each be ordered to file and serve on Emerald Express: (a) a list that identifies the witnesses each 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 each Intervenor intends to present at the hearing.

14. 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.¹ The Commission's Rules (including Rule 1205) are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

15. 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

¹ 4 CCR 723-1.

by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).²

16. All exhibits shall be identified by sequential numbers (e.g., Exhibit 1, Exhibit 2, and Exhibit 3). Each exhibit shall include the following information: (a) exhibit number; (b) proceeding number; (c) name of the witness who will testify to the exhibit's foundation; and (d) the date of the hearing. The parties shall work together to ensure that there are no overlaps in the numbering of the exhibits.

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

18. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

19. 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.

D. Additional Advisements

20. 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.

² See Rule 1205(e), 4 CCR 723-1.

II. ORDER

A. It Is Ordered That:

1. The Interventions filed by Alpine Taxi/Limo, Inc. (“Alpine Taxi”) and NDW Enterprises LLC d/b/a Ski Town Transportation (“Ski Town Transportation”) on June 11 and June 17, 2025, respectively, are acknowledged. Alpine Taxi and Ski Town Transportation are hereinafter referred to collectively as “Intervenors.”

2. Emerald Express Transportation Inc. (“Emerald Express”), Alpine Taxi, and Ski Town Transportation are the parties in this proceeding.

3. The deadline to file any Statement Regarding Hearing containing the information described above is **August 1, 2025**.

4. On or before **August 22, 2025**, Emerald Express shall file and serve on the Intervenors: (a) a list that identifies the witnesses Emerald Express intends to call at the hearing; (b) the last known address and telephone number of each witness; (c) a summary of the anticipated testimony of each witness; and (d) copies of the exhibits Emerald Express intends to present at the hearing.

5. On or before **September 19, 2025**, each Intervenor shall file and serve on Emerald Express: (a) a list that identifies the witnesses each Intervenor intends to call at the hearing; (b) the last known address and telephone number of each witness; (c) a summary of the anticipated testimony of each witness; and (d) copies of the exhibits each Intervenor intends to present at the hearing.

6. This Decision is 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 that reads 'Rebecca E. White'.

Rebecca E. White,
Director