

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0926CP

IN THE MATTER OF THE APPLICATION OF BEER NUT CRAFT BREWERY
TOURS, LTD., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
ACCEPTING CLARIFICATIONS; APPROVING
STIPULATION AND AMENDMENTS, AS
CLARIFIED; GRANTING MOTION; AMENDING
APPLICATION; DISMISSING INTERVENTIONS;
GRANTING APPLICATION, AS AMENDED, UNDER
MODIFIED PROCEDURE; AND GRANTING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY, SUBJECT TO CONDITIONS**

Mailed Date: February 13, 2014

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I. STATEMENT

1. On August 23, 2013, Beer Nut Craft Brewery Tours, Ltd. (Tours or Applicant), filed a verified Application for New Permanent Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire. That filing commenced this Proceeding.

2. On September 16, 2013, Applicant filed an Amendment to Application.¹ On October 2, 2013, Applicant supplemented its August 23, 2013 filing. Unless the context indicates otherwise, reference in this Decision to the Application is to the August 23, 2013 filing as supplemented on October 2, 2013 and as amended on September 16, 2013.

3. On August 26, 2013, the Commission issued its Notice of Application Filed (Notice) in this Proceeding (Notice at 4); established an intervention period; and established a procedural schedule. On October 10, 2013, Decision No. R13-1280-I vacated that procedural schedule.

4. Colorado Cab Company LLC, doing business as Boulder SuperShuttle, Denver Yellow Cab, and Boulder Yellow Cab (Colorado Cab), timely intervened as of right. Colorado Cab opposed the Application.

5. Shamrock Charters, Inc. (Shamrock Charters) timely intervened as of right. Shamrock Charters opposed the Application.

6. Shamrock Taxi of Ft. Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO (Shamrock Taxi), timely intervened as of right. Shamrock Taxi opposed the Application.

7. SuperShuttle International Denver, Inc. (SuperShuttle), timely intervened as of right. SuperShuttle opposed the Application.

8. Colorado Cab, Shamrock Charters, Shamrock Taxi, and SuperShuttle, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties.

¹ This filing is discussed below.

9. Pursuant to Decision No. R13-1280-I, Applicant is represented by Mr. Jeff Gary, who is not an attorney. Intervenors appear through legal counsel.

10. On October 9, 2013, by Minute Order, the Commission deemed the Application complete as of that date. Pursuant to § 40-6-109.5, C.R.S., absent other action, a Commission decision on the Application should issue on or before April 7, 2014.

11. On October 9, 2013, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

12. On September 25, 2013, Intervenors filed a Motion to Dismiss. By Decision No. R13-1280-I, the ALJ denied that motion.

13. Each intervenor requested a hearing in this Proceeding. On October 30, 2013, by Decision No. R13-1370-I, the ALJ scheduled a January 9 and 10, 2014 evidentiary hearing and established the procedural schedule in this matter.

14. On November 12, 2013, and pursuant to the procedural schedule, Tours filed its List of Witnesses and copies of the exhibits it would offer at hearing. On December 20, 2013, Tours supplemented its proposed exhibits.

15. On December 2, 2013, and pursuant to the procedural schedule, Intervenors filed their Witness and Exhibit List and copies of the exhibits they would offer at hearing. On December 20, 2013, Intervenors filed their Corrected Witness and Exhibit List and copies of corrected exhibits.

16. In the Application as noticed on August 26, 2013, Tours sought a Certificate of Public Convenience and Necessity (CPCN) to operate as a motor vehicle for hire as follows:

Transportation of

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

between all points within a 5-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, and between said points, on the one hand, and all points within a 70-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, on the other hand.

RESTRICTIONS: This authority is restricted:

- (A) To providing transportation services that either originate or terminate at breweries and/or distilleries as part of a tour of breweries and/or distilleries, these tours must consist of at least two (2) persons, excluding the driver, and visit at least one (1) brewery or distillery, but not more than four (4) breweries or distilleries, on each tour;
- (B) Against providing any transportation service that either originates or terminates at Denver International Airport, Denver, Colorado;
- (C) To the use at any one time of not more than three (3) vehicles, each of which must have a seating capacity of nine (9) or more passengers, excluding the driver;
- (D) To a maximum of two (2) tours per day per vehicle, tours to be conducted between the hours of 11:00 a.m. and 11:00 p.m. only; and
- (E) Against providing transportation to any locations other than breweries, brewpubs, or distilleries in Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld Counties.

17. On September 16, 2013, Tours filed amendments to the Application as noticed (September 16 Amendments). That filing contained two amendments to the authority sought:

1. No tours shall originate in Larimer County beyond the point north of County Road 392.

2. No theme tours shall take place in Larimer County based upon ghosts, extraterrestrial life, extraterrestrial unidentified objects and cryptids.

18. On January 17, 2014, by Decision No. R14-0069-I and among other things, the ALJ requested clarification of the September 16 Amendments. On January 30, 2014, Applicant filed these two clarifications of the September 16 Amendments: “[N]o tours shall originate in Larimer County *at any point* north of County Road 392” and the Amendments are “to prohibit one specific type of themed tours: (a) tours based on ghosts.” January 30, 2014 filing at 1 (emphasis in original). In that filing, Applicant also stated that, although not included in the filing made on January 15, 2014 (discussed below), the September 16 Amendments are included in the authority sought by Applicant.

19. With the September 16 Amendments, Tours sought a CPCN to operate as a motor vehicle for hire as follows:

Transportation of

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

between all points within a 5-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, and between said points, on the one hand, and all points within a 70-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, on the other hand.

RESTRICTIONS: This authority is restricted:

- (A) To providing transportation services that either originate or terminate at breweries and/or distilleries as part of a tour of breweries and/or distilleries, these tours must consist of at least two (2) persons, excluding the driver, and visit at least one (1) brewery or distillery, but not more than four (4) breweries or distilleries, on each tour;
- (B) Against providing any transportation service that either originates or terminates at Denver International Airport, Denver, Colorado;
- (C) To the use at any one time of not more than three (3) vehicles, each of which must have a seating capacity of nine (9) or more passengers, excluding the driver;
- (D) To a maximum of two (2) tours per day per vehicle, tours to be conducted between the hours of 11:00 a.m. and 11:00 p.m. only;

- (E) Against providing transportation to any locations other than breweries, brewpubs, or distilleries in Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld Counties;
- (F) Against providing tours that originate in Larimer County at any point north of County Road 392; and
- (G) Against providing in Larimer County any themed tour that is based on ghosts.

20. On January 8, 2014, Parties filed a Notice of Settlement and Joint Motion to Vacate Hearing. On January 17, 2014, by Decision No. R14-0069-I, the ALJ granted the Parties' Joint Motion to Vacate Hearing and vacated, *nunc pro tunc*, the January 9 and 10, 2014 evidentiary hearing.

21. On January 15, 2014, the Parties filed (in one document) a Stipulation, Motion for Approval of Restrictive Amendments [Motion for Approval], and Conditional Withdrawal of Interventions (January 15 Filing).

22. In the January 15 Filing, Tours agreed to amend the Application to include an additional restriction. By Decision No. R14-0069-I, among other things, the ALJ requested clarification of the January 15 Filing. On January 30, 2014, Applicant filed the requested clarifications. The ALJ finds the clarifications to be satisfactory.

23. With the January 15 Filing, as clarified, Tours seeks a CPCN to operate as a motor vehicle for hire as follows:

Transportation of

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

between all points within a 5-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, and between said points, on the one hand, and all points within a 70-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, on the other hand.

RESTRICTIONS: This authority is restricted:

- (A) To providing transportation services that either originate or terminate at breweries and/or distilleries as part of a tour of breweries and/or distilleries, these tours must consist of at least two (2) persons, excluding the driver, and must visit at least two (2) breweries or distilleries, but not more than four (4) breweries or distilleries, on each tour;
- (B) Against providing any transportation service that either originates or terminates at Denver International Airport, Denver, Colorado;
- (C) Against providing any transportation service that either originates or terminates at a hotel or motel;
- (D) To the use at any one time of not more than three (3) vehicles, each of which must have a seating capacity of nine (9) or more passengers, excluding the driver;
- (E) To a maximum of two (2) tours per day per vehicle, tours to be conducted between the hours of 11:00 a.m. and 11:00 p.m. only;
- (F) Against providing transportation to any location other than breweries, brewpubs, or distilleries in Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld Counties;
- (G) Against providing tours that originate in Larimer County at any point north of County Road 392; and
- (H) Against providing in Larimer County any themed tour that is based on ghosts.

24. To be acceptable, an amendment to the authority sought must be restrictive in nature; must be clear and understandable; and must be administratively enforceable. The authority granted by a CPCN, including any restrictions, must be unambiguous and must be contained within the CPCN. The CPCN must be worded so that a person will know, from reading the CPCN and without having to resort to any other document, the exact extent of the authority and of each restriction. Clarity is essential because the scope of a CPCN must be found within the four corners of the authority, which is the touchstone by which one determines whether a carrier's operations are within the scope of its Commission-granted authority.

25. The September 16 Amendments, the amendments contained in the January 15 Filing, and, if the amended Application is granted, the resulting CPCN meet the standards stated above. The ALJ will accept the September 16 Amendments and the amendments contained in the January 15 Filing and will amend the authority sought by Applicant in this Proceeding.

26. The January 15 Filing also provides:

Applicant and its principal [*i.e.*, Mr. Jeff Gary] ... agree not to file an application with the Commission for three years from the date the Commission issues a final decision in this proceeding to change or [to] amend [the CPCN granted in this Proceeding]. Applicant may make any filings required by the Commission's rules, or [may] apply to discontinue or [to] suspend its operation.

January 15 Filing at ¶ 4.

27. The ALJ finds that, if the quoted provision is adopted and if the amended Application is granted, neither Applicant nor Mr. Gary will be permitted, for a period of three years following the date of a final Commission decision in this Proceeding, to file an application to amend or to change the CPCN granted in this Proceeding. The ALJ finds that this provision is a condition to be placed on the granting of the CPCN and is not a restriction on the authority granted. The ALJ finds that, as a condition on the granting of the CPCN, Applicant and Mr. Gary must comply with the provision as a condition of the CPCN remaining in effect. Based on the circumstances of this Proceeding, including the fact that Applicant is a new enterprise, the ALJ finds that the quoted provision is reasonable and should be adopted. The ALJ will adopt, as a condition on the granting of the amended Application and as a condition on the granting of the CPCN, the quoted provision.²

² The ALJ will modify the language of the January 15 Filing at ¶ 4 for clarity.

28. Based on the foregoing discussion, the ALJ finds that the Parties have met their burden with respect to the Motion for Approval. In addition, the ALJ finds that granting the motion will not prejudice any party. Consequently, the ALJ will grant the Motion for Approval.

29. Granting the Motion for Approval, accepting the amendments to the scope of the authority sought in the Application, and approving the condition on granting the Application and the CPCN have three effects. First, the authority stated in the Application will be amended to conform to the September 16 Amendments and the amendments contained in the January 15 Filing. Second, granting the CPCN and granting the amended Application will be conditioned as set out in the January 15 Filing at ¶ 4. Third, the condition precedent stated in the Conditional Withdrawal of Interventions is satisfied; and, at their request, the ALJ will dismiss the interventions of Colorado Cab, Shamrock Charters, Shamrock Taxi, and SuperShuttle.

30. Dismissal of the interventions leaves the amended Application uncontested and unopposed.

31. Pursuant to § 40-6-109(5), C.R.S., and Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1403,³ an uncontested and unopposed application may be considered under the Commission's modified procedure and without a formal hearing. The ALJ finds that the amended Application should be considered, and will be considered, under the modified procedure and without a formal hearing.

32. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this Proceeding along with a written recommended decision.

³ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

II. FINDINGS, DISCUSSION, AND CONCLUSION

33. Applicant is a Colorado limited liability company.

34. By the Application, as amended, Applicant seeks a CPCN to operate as a motor vehicle for hire as follows:

Transportation of

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

between all points within a 5-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, and between said points, on the one hand, and all points within a 70-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, on the other hand.

RESTRICTIONS: This authority is restricted:

- (A) To providing transportation services that either originate or terminate at breweries and/or distilleries as part of a tour of breweries and/or distilleries, these tours must consist of at least two (2) persons, excluding the driver, and must visit at least two (2) breweries or distilleries, but not more than four (4) breweries or distilleries, on each tour;
- (B) Against providing any transportation service that either originates or terminates at Denver International Airport, Denver, Colorado;
- (C) Against providing any transportation service that either originates or terminates at a hotel or motel;
- (D) To the use at any one time of not more than three (3) vehicles, each of which must have a seating capacity of nine (9) or more passengers, excluding the driver;
- (E) To a maximum of two (2) tours per day per vehicle, tours to be conducted between the hours of 11:00 a.m. and 11:00 p.m. only;
- (F) Against providing transportation to any location other than breweries, brewpubs, or distilleries in Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld Counties;
- (G) Against providing tours that originate in Larimer County at any point north of County Road 392; and
- (H) Against providing in Larimer County any themed tour that is based on ghosts.

35. The record establishes that Applicant is familiar with the Rules Regulating Transportation by Motor Vehicles, found at Part 6 of 4 CCR 723, and agrees to be bound by, and to comply with, those Rules as applicable to it. The record establishes that Applicant has sufficient equipment with which to render the proposed transportation service, has the experience to conduct operations under the authority requested, and is financially fit to conduct operations under the authority requested. Review of the record indicates a need for the proposed transportation service. Because the Applicant is fit, financially and otherwise, to perform the proposed transportation service and because the other prerequisites have been met, the ALJ will grant the amended Application and will issue the CPCN subject to conditions.

36. Having determined that a CPCN should issue, the ALJ finds that granting the amended Application, granting the CPCN, and the CPCN should be subject to the conditions contained in the Ordering Paragraphs below. **Questions concerning the conditions should be directed to Mr. Gabe Dusenbury of the Commission Staff (telephone no.: 303.894.2046).**

37. In accordance with § 40-6-109(2), C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

III. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the restrictive amendments filed on September 16, 2013 and clarified on January 30, 2014 are approved.

2. Consistent with the discussion above, the restrictive amendments filed on January 15, 2014 and clarified on January 30, 2014 are approved.

3. Consistent with the discussion above, the verified Application for New Permanent Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire, which was

filed on August 23, 2013 by Beer Nut Craft Brewery Tours, Ltd., and which was supplemented on October 2, 2013, is amended to conform to the terms of the restrictive amendments filed on September 16, 2013 and on January 15, 2014 and clarified on January 30, 2014.

4. Consistent with the discussion above, the withdrawal of intervention filed by Colorado Cab Company LLC, doing business as Boulder SuperShuttle, Denver Yellow Cab, and Boulder Yellow Cab, is granted.

5. Colorado Cab Company LLC, doing business as Boulder SuperShuttle, Denver Yellow Cab, and Boulder Yellow Cab, is dismissed as a party in this Proceeding.

6. Consistent with the discussion above, the withdrawal of intervention filed by Shamrock Charters, Inc., is granted.

7. Shamrock Charters, Inc., is dismissed as a party in this Proceeding

8. Consistent with the discussion above, the withdrawal of intervention filed by Shamrock Taxi of Ft. Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO, is granted.

9. Shamrock Taxi of Ft. Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO, is dismissed as a party in this Proceeding.

10. Consistent with the discussion above, the withdrawal of intervention filed by SuperShuttle International Denver, Inc., is granted.

11. SuperShuttle International Denver, Inc., is dismissed as a party in this Proceeding.

12. Subject to the conditions stated below, the verified Application for New Permanent Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire,

which was filed by Beer Nut Craft Brewery Tours, Ltd., on August 23, 2013, as that filing has been supplemented and amended, is granted.

13. Subject to the conditions stated below, Beer Nut Craft Brewery Tours, Ltd., is granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as follows:

Transportation of

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

between all points within a 15-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, and between said points, on the one hand, and all points within a 70-mile radius of the intersection of 15th Street and Walnut Street, Boulder, Colorado, on the other hand.

RESTRICTIONS: This authority is restricted:

- (A) To providing transportation services that either originate or terminate at breweries and/or distilleries as part of a tour of breweries and/or distilleries, these tours must consist of at least two (2) persons, excluding the driver, and must visit at least two (2) breweries or distilleries, but not more than four (4) breweries or distilleries, on each tour;
- (B) Against providing any transportation service that either originates or terminates at Denver International Airport, Denver, Colorado;
- (C) Against providing any transportation service that either originates or terminates at a hotel or motel;
- (D) To the use at any one time of not more than three (3) vehicles, each of which must have a seating capacity of nine (9) or more passengers, excluding the driver;
- (E) To a maximum of two (2) tours per day per vehicle, tours to be conducted between the hours of 11:00 a.m. and 11:00 p.m. only;
- (F) Against providing transportation to any location other than breweries, brewpubs, or distilleries in Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld Counties;
- (G) Against providing tours that originate in Larimer County at any point north of County Road 392; and

- (H) Against providing in Larimer County any themed tour that is based on ghosts.

14. The grant of the Application by Ordering Paragraph No. 12 and the right of Beer Nut Craft Brewery Tours, Ltd., to operate under the Certificate of Public Convenience and Necessity granted by Ordering Paragraph No. 13 shall depend on, and are conditioned by, the following: For a period of three years commencing on the date of the final Commission decision in this Proceeding, neither Beer Nut Craft Brewery Tours, Ltd., nor Mr. Jeff Gary shall file with the Commission an application to change or to amend the Certificate of Public Convenience and Necessity granted by this Decision. Consistent with the discussion above, Beer Nut Craft Brewery Tours, Ltd., is permitted to make any filings required by Commission rules and is permitted to file an application to discontinue or to suspend its operation under the Certificate of Public Convenience and Necessity granted by this Decision.

15. If Beer Nut Craft Brewery Tours, Ltd., or Mr. Jeff Gary fails to comply with the requirements of Ordering Paragraph No. 14, then Ordering Paragraphs No. 12 and No. 13, shall be void.

16. The authority granted in Ordering Paragraph No. 13 is conditioned on Beer Nut Craft Brewery Tours, Ltd.'s meeting the conditions contained in this Decision and is not effective until Beer Nut Craft Brewery Tours, Ltd., has met the conditions set out in Ordering Paragraph No. 17.

17. Beer Nut Craft Brewery Tours, Ltd., shall not begin operation under the Certificate of Public Convenience and Necessity granted by this Decision until it has satisfied all of the following conditions:

(a) Beer Nut Craft Brewery Tours, Ltd., shall file with the Commission an advice letter and proposed tariffs, as required by Rules 4 *Code of Colorado Regulations* 723-1-1210(b) and 723-1-1210(c) and Rule 4 *Code of Colorado Regulations* 723-6-6207. The tariffs shall have a proposed effective date that is not earlier than ten days after the advice letter and proposed tariffs are filed with the Commission. In calculating the proposed effective date, the date on which the Commission receives the advice letter and proposed tariffs is not included in the ten-day notice period and the entire ten-day notice period must expire prior to the proposed effective date. Beer Nut Craft Brewery Tours, Ltd., shall file the advice letter and proposed tariffs as a new Advice Letter proceeding.

(b) Beer Nut Craft Brewery Tours, Ltd., shall cause to be filed with the Commission *either* proof of insurance coverage (Form E or self-insurance) *or* proof of surety bond coverage, as required by and in accordance with Rule 4 *Code of Colorado Regulations* 723-6-6007.

(c) Beer Nut Craft Brewery Tours, Ltd., shall pay to the Commission the \$5.00 issuance fee required by § 40-10.1-111(1)(a), C.R.S.

(d) For each vehicle to be operated under the Certificate of Public Convenience and Necessity granted by this Decision, Beer Nut Craft Brewery Tours, Ltd., shall pay to the Commission the vehicle identification fee required by Rule 4 *Code of Colorado Regulations* 723-6-6009. In lieu of that fee and if applicable, Beer Nut Craft Brewery Tours, Ltd., shall pay to the Commission, for each vehicle to be operated under the Certificate of Public

Convenience and Necessity granted by this Decision, the fee for those vehicles pursuant to Rule 4 *Code of Colorado Regulations* 723-6-6401 (the Unified Carrier Registration Agreement).

(e) Beer Nut Craft Brewery Tours, Ltd., has received from the Commission a written notice that Beer Nut Craft Brewery Tours, Ltd., has complied with conditions (a) through (d) in this Ordering Paragraph and may begin providing transportation service.

18. If Beer Nut Craft Brewery Tours, Ltd., does not comply with the requirements of Ordering Paragraph No. 17 within 60 days of the effective date of this Decision, then Ordering Paragraphs No. 12 and No. 13 shall be void. On timely motion and for good cause shown, the Commission may grant Beer Nut Craft Brewery Tours, Ltd., additional time for compliance.

19. The right of Beer Nut Craft Brewery Tours, Ltd., to operate under the Certificate of Public Convenience and Necessity granted by this Decision shall depend upon Beer Nut Craft Brewery Tours, Ltd.'s compliance with all present and future laws, regulations, and orders of the Commission.

20. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

21. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the recommended decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse a basic finding of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge; and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

22. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge