

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0355CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MOUNTAINSIDE CONCIERGE, LLC TO
EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
REQUIRING APPLICANT TO MAKE FILING**

Mailed Date: September 2, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. Mountainside Concierge, LLC (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission (Commission) on April 18, 2014.

3. San Miguel Mountain Ventures, LLC, doing business as Telluride Express, Montrose Express and Wild West Tours, and Durango Taxi, LLC (collectively, interveners), timely intervened of right in objection to the authority sought by the amended Application.

4. After deeming the Application complete, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition on June 25, 2014.

5. On July 15, 2014, after providing notice the parties, the ALJ held a telephone prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. Decision No. R14-0747-I issued July 2, 2014.

6. The prehearing conference was convened as noticed on July 15, 2014. All parties appeared. During the prehearing conference, the parties agreed to and the ALJ approved a hearing date and a procedural schedule, which is set forth by Decision No. R14-0848-I issued July 21, 2014.

7. The procedural schedule required Applicant to file and serve its exhibit and witness lists, and its exhibits on or by August 14, 2014.

8. On August 14, 2014, Applicant filed and served its exhibit and witness list. However, Applicant did not file its exhibits as required by Decision No. R14-0848-I. Although the ALJ does not excuse this failure, it is more concerning that the record contains no information as to whether Applicant served its exhibits on the interveners.

9. This matter is scheduled for a hearing to take place in Silverton, Colorado on September 24 and 25, 2014. The ALJ will be travelling to Silverton for this hearing, and as such, is attempting to ensure that the hearing will not be delayed or otherwise hindered due to the fact that Applicant has failed to file and serve its exhibits.

10. Applicant will be ordered to forthwith file and serve its exhibits. If Applicant has already served the exhibits upon the interveners, Applicant shall file a separate certificate of service indicating service on the interveners. If not, the Applicant shall serve the interveners with the exhibits when Applicant files the exhibits with the Commission.

11. As there is almost a month prior to the hearing, the ALJ finds that disclosure of Applicant's exhibits forthwith does not prejudice any party in this proceeding.

II. ORDER

A. It Is Ordered That:

1. Mountainside Concierge LLC (Applicant) is ordered to immediately file and serve all exhibits it intends to offer in support of the Application in this proceeding, except for exhibits used for impeachment or rebuttal.

2. If Applicant has already served its exhibits on the other parties to this proceeding, Applicant is not required to re-serve the exhibits (as required by Ordering Paragraph 1). Instead, Applicant shall file a certificate of service indicating the exhibits were served (including, the date of service, means of service, address(es) at which the exhibits were served, and those parties who were served). Irrespective of whether Applicant has already served its exhibits, Applicant must file its exhibits as set forth herein.

3. For purposes of this Decision, “immediately” means that the filing shall be made as soon as possible, but no later than two business days from the mail date on page 1 of this Decision.

4. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge