

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0124CP

IN THE MATTER OF THE APPLICATION OF PALI-TOURS LTD FOR A 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
SETTING DEADLINES AND HEARINGS**

Mailed Date: May 30, 2019

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only the relevant procedural history of this proceeding is outlined. Pali-Tours Ltd. (Pali) commenced this proceeding on March 8, 2019 by filing a verified Application for Permanent Authority to Operate as a Common Carrier by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission (Commission).

2. San Miguel Mountain Ventures, LLC, doing business as Telluride Express (TEX) timely intervened of right in this proceeding.

3. The Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. Thereafter, on May 15, 2019, the undersigned ALJ scheduled a telephonic prehearing conference for May 29, 2019 at 2:00 p.m. Decision No. R19-0418-I.

4. At the date, time and location noticed, the prehearing conference was held. TEX appeared through counsel and Pali appeared through its designated agent, Dave Smith.¹ During

¹ The ALJ notes that Pali's Application establishes that it may be represented by a non-attorney in this proceeding.

the prehearing conference, the parties agreed to a procedural schedule and hearing date, as outlined below. Pali requested a hearing date as soon as possible; the date selected is the earliest date that TEX is able to have witnesses available.

5. During the prehearing conference, Pali indicated that it wished to amend the Application to seek authority which does not conflict with TEX's authority. The scope of the potential amendments were not fully determined or authorized at the time of the hearing. But, for the parties' ease of reference, Pali discussed amending the Application as follows: eliminate scheduled and charter service entirely, restrict call-and-demand sightseeing service to points within a 17-mile radius of the intersection of 3rd and Main Street in Palisade, Colorado; and restrict call-and-demand shuttle service to requiring an origination or termination point within a 1.5 mile radius of the intersection of 3rd^d and Main Street in Palisade while leaving the service territory as it currently is, between all points within a 50-mile radius of the same intersection. If Pali moves forward with these amendments, the Application would seek:

authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers

- (I) in call-and-demand shuttle service between all points within a 50-mile radius of the intersection of 3rd Street and Main Street in Palisade, Colorado; and
- (II) in call-and-demand sightseeing service between all points within a 17-mile radius of the intersection of 3rd Street and Main Street in Palisade, Colorado.

RESTRICTION:

Item (I), call-and-demand shuttle service must either originate or terminate within a 1.5 mile radius of the intersection of 3rd Street and Main Street in Palisade, Colorado.

6. The parties were not able to determine whether the above potential amendments would eliminate any overlap with TEX's authority or whether it would result in TEX

withdrawing its intervention during the hearing. But, the parties wish to discuss this further, and to reconvene at a status conference to confirm any agreements they are able to reach relating to amendments to the application and the resolution of TEX's objection to the Application. Consequently, the ALJ scheduled a follow-up telephone status conference for Monday, June 3, 2019 at 11:00 a.m. (as outlined below).

7. Also during the prehearing conference, the ALJ reminded the parties that they are required to follow the Commission's Rules of Practice and Procedure (4 *Code of Colorado Regulations* (CCR) 723-1) and the Rules Regulating Transportation by Motor Vehicle (4 CCR 723-6) as applicable to this proceeding, and that a copy of those rules may be found on the Commission's website. The ALJ also provided a brief overview of the process the parties should expect for the hearing on the merits of the Application (e.g., order of evidence, ability to cross examine).

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion in this Decision, a telephonic status conference is scheduled as follows:

DATE: June 3, 2019

TIME: 11:00 a.m.

LOCATION: Call 1(669) 224-3412
Enter Access Code: 597918533#

Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. A hearing on the merits of the Application is scheduled as follows:

DATE: July 30, 2019

TIME: 9:00 a.m.

LOCATION: Grand Junction, Colorado
Address to be provided at a later date.

3. The parties must exchange and file witness lists, exhibits, and exhibit lists for the witnesses and exhibits to be presented at the July 30, 2019 hearing by the close of business on July 16, 2019.

4. Witness lists must include a brief description of the witnesses' anticipated testimony.

5. Exhibits must be numbered and marked as a hearing exhibit (e.g., Hearing Exhibit 1). Pali-Tours Ltd. is designated hearing exhibit numbers 1-100 and San Miguel Mountain Ventures, LLC, doing business as Telluride Express is designated hearing exhibit numbers 100-200.

6. All multi-page exhibits must be sequentially page-numbered (e.g., a 50-page exhibit must include a sequential page number on each page of the exhibit, from 1 to 50). When electronically filing with the Commission's e-filing system, the parties must include the exhibit number and a description of the exhibit in the title of the filing (e.g., Exhibit 1, Application).

7. At the hearing on the Application, the parties must provide the Administrative Law Judge with three paper copies of all exhibits they intend to seek to admit.

8. 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 "Doug Dean".

Doug Dean,
Director