

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0232CP

IN THE MATTER OF THE APPLICATION OF DNC PARKS & RESORTS AT ROCKY MOUNTAIN PARK INN, INC. DOING BUSINESS AS RIDGELINE TOURS 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
CONOR F. FARLEY
SCHEDULING HEARING AND
SETTING PROCEDURAL SCHEDULE**

Mailed Date: June 27, 2019

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I. STATEMENT

A. Background

1. On May 6, 2019, DNC Parks & Resorts at Rocky Mountain Park Inn, Inc., doing business as Ridgeline Tours (Ridgeline Tours) filed the application described in the caption above (Application).

2. On May 13, 2019, the Commission issued a notice of the Application.

3. On May 29, 2019, Estes Valley Transport, Inc. (EVT) filed an Intervention.

4. On June 19, 2019, the Commission deemed the Application complete and referred it to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

B. Hearing

5. The hearing in this matter shall be scheduled for **September 19, 2019**. If any party cannot attend the hearing on this date, the party with the scheduling conflict must confer with the opposing parties and file a motion to reschedule the hearing by **July 19, 2019**. The motion to reschedule shall identify the dates that all of the parties are available for a hearing between September 9 and 27, 2019. The motion to reschedule must also identify the number of days that the parties anticipate the hearing will take.

C. Procedural Schedule

6. 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.

7. On or before **July 26, 2019**, Ridgeline Tours will be ordered to file and serve on EVT: (a) a list that identifies the witnesses Ridgeline Tours 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 Ridgeline Tours will present at the hearing.

8. On or before **August 16, 2019**, EVT will be ordered to file and serve on Ridgeline Tours: (a) a list that identifies the witnesses EVT 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 EVT will present at the hearing.

9. 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 and in hard copy from the Commission.

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

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

¹ 4 Code of Colorado Regulations (CCR) 723-1.

² See Rule 1205(e), 4 CCR 723-1.

12. Each party shall bring to the hearing an original and three copies of each exhibit it intends to introduce at the hearing. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the evidentiary record of the hearing.

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

14. 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

15. 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 (<http://www.dora.colorado.gov/puc>) and in hard copy from the Commission.

II. ORDER

A. It Is Ordered That:

1. DNC Parks & Resorts at Rocky Mountain Park Inn, Inc., doing business as Ridgeline Tours (Ridgeline Tours) and Estes Valley Transport, Inc. (EVT) are parties to this proceeding.

2. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: September 19, 2019

TIME: 9:00 a.m.

PLACE: Commission Hearing Room B
1560 Broadway, 2nd Floor
Denver, Colorado

3. On or before July 26, 2019, Ridgeline Tours shall file and serve on EVT: (a) a list that identifies the witnesses Ridgeline Tours 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 Ridgeline Tours will present at the hearing.

4. On or before August 16, 2019, EVT shall each file and serve on Ridgeline Tours: (a) a list that identifies the witnesses EVT 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 Ridgeline Tours will present at the hearing.

5. 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

Doug Dean,
Director