

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0266CP

IN THE MATTER OF THE APPLICATION OF TELLER GREEN TRANSPORTATION LLC
DOING BUSINESS AS MOUNTAIN SHUTTLE 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
ADDRESSING REPRESENTATION, SCHEDULING
HEARING, AND SETTING PROCEDURAL SCHEDULE**

Mailed Date: June 28, 2019

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I. STATEMENT

A. Background

1. On May 20, 2019, Teller Green Transportation LLC, doing business as Mountain Shuttle (Mountain Shuttle) filed the application described in the caption above (Application).

2. On May 20, 2019, the Commission issued a notice of the Application.
3. On June 18, 2019, Ramblin' Express, Inc. (Ramblin') filed an Intervention.
4. On June 26, 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. Representation of Mountain Shuttle

5. Boni J. Nims signed the Application on behalf of Mountain Shuttle. In the Application and the Annual Report filed on May 24, 2019, Mountain Shuttle states that: (a) it does not believe the amount in controversy in this proceeding exceeds \$15,000; (b) Mountain Shuttle does not have more than three owners; and (c) Ms. Nims is an owner of Mountain Shuttle.

6. Based on the foregoing, the undersigned ALJ finds and concludes that, under Commission Rule 1201(a)¹ and § 13-1-127, C.R.S., Mountain Shuttle has established that Ms. Nims is permitted to represent Mountain Shuttle in this proceeding. Mountain Shuttle and Ms. Nims are on notice that they will be bound by, and held to, the same procedural and evidentiary rules that attorneys must follow. Ms. Nims and Mountain Shuttle will not be held to a lesser standard because Mountain Shuttle has chosen not to have an attorney represent it in this proceeding

C. Hearing

7. The hearing in this matter shall be scheduled for **September 26, 2019**. If any party cannot attend the hearing on these dates, the party with the scheduling conflict must confer

¹ 4 *Code of Colorado Regulations* (CCR) 723-1, Commission Rules of Practice and Procedure.

with the opposing party and file a motion to reschedule the hearing by **July 19, 2019**. The motion to reconsider shall identify the dates that all of the parties are available for a hearing between September 16, 2019 and October 4, 2019. The motion to reschedule must also identify the number of days that the parties anticipate the hearing will take.

D. Procedural Schedule

8. 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.

9. On or before **August 2, 2019**, Mountain Shuttle will be ordered to file and serve on Ramblin': (a) a list that identifies the witnesses Mountain Shuttle 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 Mountain Shuttle will present at the hearing.

10. On or before **September 6, 2019**, Ramblin' will be ordered to file and serve on Mountain Shuttle: (a) a list that identifies the witnesses Ramblin' 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 Ramblin' will present at the hearing.

11. 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.² The Commission's Rules (including Rule 1205) are available on the Commission's website and in hard copy from the Commission.

12. 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).³

13. 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.

14. 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.

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

16. 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

² 4 CCR 723-1.

³ See Rule 1205(e), 4 CCR 723-1.

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.

E. Additional Advisements

17. 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. Teller Green Transportation LLC, doing business as Mountain Shuttle (Mountain Shuttle) and Ramblin' Express, Inc. (Ramblin') are parties to this proceeding.

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

DATE: September 26, 2019
TIME: 9:00 a.m.
PLACE: Commission Hearing Room B
1560 Broadway, 2nd Floor
Denver, Colorado

3. On or before August 2, 2019, Mountain Shuttle shall file and serve on Ramblin': (a) a list that identifies the witnesses Mountain Shuttle 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 Mountain Shuttle will present at the hearing.

4. On or before September 6, 2019, Ramblin' shall file and serve on Mountain Shuttle: (a) a list that identifies the witnesses Ramblin' 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 Ramblin' 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

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

Doug Dean,
Director