

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0307CP

IN THE MATTER OF THE APPLICATION OF SATORI 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
ROBERT I. GARVEY
SETTING EVIDENTIARY HEARING
AND ADOPTING PROCEDURAL SCHEDULE**

Mailed Date: August 5, 2019

I. STATEMENT

1. On May 31, 2019, Satori Tours (Applicant or Satori) filed an Application seeking a Certificate of Public Convenience and Necessity to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission (Commission). Satori filed an Amendment to the Application on June 4, 2019, stating that it no longer seeks to provide scheduled service (Amended Application).

2. On June 3, 2019, the Commission provided public notice of the Amended Application by publishing a summary of the same in its Notice of Applications Filed:

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

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

between all points in the Counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson, State of Colorado, and between said points on the one hand, and all points in the Counties of El Paso, Gilpin, and Larimer, State of Colorado, on the other hand.

3. On June 5, 2019, Ramblin’ Express, Inc. (Ramblin’ Express) filed its Entry of Appearance and Notice of Intervention through its counsel, Charles Kimball. This filing attached Commission Authority Nos. 55787 and 47966 held by Ramblin’ Express.

4. On June 6, 2019, Estes Valley Transport, LLC (Estes Valley) filed its Entry of Appearance and Notice of Intervention through its counsel, Charles Kimball. This filing attached Commission Authority No. 54696 held by Estes Valley.

5. On July 3, 2019, Aspire Tours (Aspire) filed its Entry of Appearance and Petition of Intervention through Kathrin Troxler, a co-owner owner of Aspire, and its counsel, Scott Dunbar. This filing attached Commission Authority No. 55865 held by Aspire.

6. On July 10, 2019, the Commission deemed the application complete and referred it to the undersigned Administrative Law Judge (ALJ) for disposition.

7. On July 19, 2019, by Decision No. R19-0611-I, a prehearing conference was scheduled for August 1, 2019, and Ramblin’ Express, Estes Valley, and Aspire were granted intervenor status.

8. On August 1, 2019, a prehearing conference was held and the parties agreed to a procedural schedule.

II. PROCEDURAL SCHEDULE

9. The following procedural schedule was agreed to by the parties and shall be adopted:

Applicant’s Witness and Exhibit List & Exhibits due date	August 20, 2019
Intervenors’ Witness and Exhibit List & Exhibits due date	September 16, 2019
Evidentiary Hearing on Application	October 1, 2019

10. Witness lists shall include a description of the witnesses' anticipated testimony and the witnesses' last known address and telephone number.

11. If a party intends to introduce any documents in support of their case, they must file and serve an exhibit list which references that document and they must serve the exhibit on the other party. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.

12. 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 to the proceeding. Service may be accomplished by United States Mail, or through the Commission's E-filing system, if the party is registered with the E-filing system.

13. Except as stated below, all parties must demonstrate through a certificate of service that they have served the filed document on the other party. Documents served through the Commission's E-filing system do not require a certificate of service. 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).

14. Likewise, reference to filing a document means that the party shall provide the document to the Commission.

15. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). The exhibits 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.

16. At the hearing, the parties shall bring an original and four copies of each exhibit they intend to introduce at the hearing.¹ The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the record of the proceeding.

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

18. The parties are on notice that no witness, other than the Applicant, shall be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served as required herein. The parties are on notice that failure to provide a description of the witnesses' testimony may also result in an order prohibiting such witness from testifying.

19. The parties are on notice that no exhibit will be received in evidence, except in rebuttal, unless filed and served as required herein.

20. All parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1, Part 1. The ALJ expects the parties to comply with the Rules of Practice and Procedure. The rules are available on the Commission's website.

21. Any party wishing to make an oral closing statement may do so immediately following the close of the evidence.

22. Failure to appear and be prepared for the hearing may result in a dismissal of the Application or Intervention.

¹ The Commission will not be able to make copies of exhibits on the day of the hearing.

III. ORDER

A. It Is Ordered That:

1. An evidentiary hearing is scheduled in this matter as follows:

DATE: October 1, 2019
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. All parties are required to appear for the evidentiary hearing.
3. The Parties shall be held to the advisements in this Decision.
4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director