

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0226CP

IN THE MATTER OF THE APPLICATION OF TRACES OF THE PAST HISTORY TOURS
LLC DOING BUSINESS AS TRACES OF THE PAST HISTORY 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
G. HARRIS ADAMS
SCHEDULING TELEPHONIC
PREHEARING CONFERENCE**

Mailed Date: August 16, 2019

I. STATEMENT

1. On May 2, 2019, Traces of the Past History Tours (Applicant) filed its Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application). Applicant filed an Amendment to the Application on May 3, 2019.

2. On May 29, 2019, Estes Valley Transport, Inc. (Intervenor) timely intervened of right.

3. The matter was referred to an Administrative Law Judge (ALJ) for resolution by minute entry during the Commission's Weekly Meeting held June 12, 2019.

4. By Decision No. R19-0534-I, issued June 19, 2019, a procedural schedule was adopted to govern this proceeding and a hearing was scheduled.

5. By Decision No. R19-0612-I, issued July 19, 2019, the Unopposed Motion for Extension of Time filed by Traces of the Past History Tours filed on July 19, 2019 was granted to

extend the deadline for disclosure of Applicant's witnesses and copies of its exhibits that it will present at hearing.

6. On July 23, 2019, Applicant filed its "Amendment to Application."

7. On July 25, 2019, Intervenor filed correspondence in the proceeding conditionally stating that its intervention is withdrawn if the "Amendment to Application" is accepted.

8. In anticipation of the hearing, and to give the undersigned ALJ an opportunity to confer with the parties regarding pending filings, a telephonic prehearing conference will be scheduled in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

9. The undersigned ALJ informs the parties of the following initial questions:

- a) The published notice of the within application included no transportation outside of Larimer County, State of Colorado. Do the parties intend that the Application be amended to provide transportation service outside of Larimer County?
- b) Can the parties provide a graphic depiction of the intended service territory on a map?
- c) Applicant seeks to provide sightseeing service, which is defined to include transportation: "originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest." Rule 6001(ttt) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. With regard thereto, how does the defined term relate to "educational tours" and how do the parties define "educational tours?"

10. The undersigned ALJ may have additional questions or areas of inquiry during the prehearing conference.

II. ORDER

A. It Is Ordered That:

1. A telephonic prehearing conference in this proceeding is scheduled as follows:

DATE: August 27, 2019

TIME: 10:30 a.m.

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

2. Parties may participate in the prehearing conference from a computer, tablet, or smartphone at: <https://global.gotomeeting.com/join/892829597>. Parties may also dial in using a phone at +1 (312) 757-3121 with Access Code: 892-829-597.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director