

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0343CP

IN THE MATTER OF THE APPLICATION OF STRAWBERRY PARK HOT SPRINGS SHUTTLE LLC 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 PROCEDURAL SCHEDULE**

Mailed Date: September 16, 2019

I. STATEMENT

1. On June 18, 2019, Strawberry Park Hot Springs Shuttle LLC (Strawberry Park) 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).

2. On the same date, 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 shuttle service
between all points in Routt County, State of Colorado.

3. On July 2, 2019, Alpine Taxi/Limo, Inc., doing business as Alpine or Go Alpine (Go Alpine) filed its Notice of Intervention by Right and Alternative Petition for Intervention and Entry of Appearance through its counsel, Mark Valentine. This filing attached Commission Authority No. 26246 held by Go Alpine.

4. On July 16, 2019, Sweet Pea Tours SBS, Inc., doing business as Sweet Pea Tours (Sweet Pea) filed its Petition for Leave to Intervene through Jorge Espinosa. This filing did not identify Mr. Espinosa as an owner or member, nor did it include a Commission authority held by Sweet Pea.

5. On July 17, 2019, Hot Springs Shuttle LLC, doing business as the Hot Springs Shuttle (Hot Springs) filed its Notice of Intervention by Right and Entry of Appearance through Daniel W. White. Mr. White is identified as the owner in the filing. This filing attached Commission Authority No. 55857 held by Hot Springs.

6. On July 25, 2019, the Commission deemed the Application complete and referred it to the undersigned Administrative Law Judge (ALJ) for disposition.

7. On September 10, 2019, a prehearing conference was held and the parties agreed to a procedural schedule.

II. PROCEDURAL SCHEDULE

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

Applicant’s Witness and Exhibit List & Exhibits due date	September 27, 2019
Intervenors’ Witness and Exhibit List & Exhibits due date	October 11, 2019
Prehearing Conference	October 18, 2019
Evidentiary Hearing on the Application	October 22, 2019

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

10. 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.

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 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.

12. 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).

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

14. 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.

15. 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.

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

17. 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.

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

19. 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.

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

21. 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 in this proceeding is scheduled as follows:

DATE: October 22, 2019
TIME: 9:00 a.m.
PLACE: Bud Werner Memorial Library
1289 Lincoln Ave.
Steamboat Springs, Colorado 80487

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

DATE: October 18, 2019
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

3. All Parties are required to appear for the prehearing conference, but may appear by phone by calling (303) 869-0599 a few minutes before 9:00 a.m.

4. If Parties experience difficulties calling into the prehearing conference, please call the Colorado Public Utilities Commission's main line at 303-894-2000 for assistance.

5. All parties are required to appear for the evidentiary hearing.

6. The Parties shall be held to the advisements in this Decision.

7. 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