

Decision No. R19-0780-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 19A-0233CP

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IN THE MATTER OF THE APPLICATION OF GET2VAIL CORP FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
STEVEN H. DENMAN  
VACATING HEARING**

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Mailed Date: September 20, 2019

**I. STATEMENT AND FINDINGS**

1. On May 6, 2019, Applicant Get2Vail Corp (Applicant or Get2Vail) filed the above-captioned application for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire (Application) and commenced this proceeding.<sup>1</sup>

2. The procedural history of this proceeding is set forth in decisions previously issued, and it is repeated here as necessary to put this Decision into context.

3. On June 18, 2019, Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (Hy-Mountain), by and through its counsel, filed its Entry of Appearance and Intervention (Intervention). The Intervention requested that the Application be denied.

4. Get2Vail and Hy-Mountain are the only Parties to this proceeding.

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<sup>1</sup> On May 13, 2019, Applicant filed an Amendment to the Application in order to clarify the scope of the proposed authority.

5. Decision No. R19-0570-I (mailed on July 9, 2019) *inter alia* scheduled an evidentiary hearing on the Application for Tuesday, September 24, 2019 at 9:00 a.m. in a Commission hearing room.

6. On September 17, 2019, Get2Vail filed a “Service Restriction Agreement” (Agreement). While the Agreement stated that it is between Get2Vail and Hy-Mountain, the Agreement was signed only by Serghei Timinschi on behalf of Get2Vail. No one on behalf of Hy-Mountain signed the Agreement, which also failed to reveal Hy-Mountain’s position on the Agreement.

7. By Decision No. R19-0774-I (mailed on September 18, 2019), the Administrative Law Judge (ALJ) ordered counsel for Hy-Mountain to make a filing in this proceeding stating Hy-Mountain’s position on the Agreement; whether Hy-Mountain intends to withdraw its Intervention; its position on whether this Application should be granted as restricted; and regarding whether the evidentiary hearing should be held or vacated. This filing was due no later than 3:00 p.m. on Friday, September 20, 2019.<sup>2</sup>

8. In the morning of September 19, 2019, Get2Vail filed a document entitled “Restrictive Amendment,” in which Get2Vail reiterated the restriction and condition stated in the Agreement filed on September 17, 2019, and added text asking that the hearing be vacated and that the Application [as amended] be granted. The ALJ will construe Get2Vail’s filing to be compliant with the filings required by Decision No. R19-0774-I.

9. Later in the morning of September 19, 2019, counsel for Hy-Mountain sent an email to the ALJ stating that, “The restrictive amendment attached to the PUC Notice of 9-19-19,

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<sup>2</sup> In the late afternoon of September 17, 2019, the ALJ sent an email to counsel for Hy-Mountain and Mr. Serghei Timinschi, an owner of Get2Vail, advising them that Decision No. R19-0774-I was being issued and of its requirements. The ALJ’s email was filed in this proceeding as Correspondence from the PUC.

at 9:09 AM, satisfies the interest of Hy Mountain Transportation, Inc. and it requests that its intervention be deemed withdrawn and that the 9-24-19 hearing be vacated.”<sup>3</sup> The PUC Notice referenced in Mr. Kimball’s email is the E-filing System Notice of Get2Vail’s filing of the Restrictive Amendment. The ALJ will construe counsel’s email to be compliant with the filing requirements in Decision No. R19-0774-I.

10. The Commission encourages the settlement of contested proceedings.<sup>4</sup> The Parties have resolved their disputes over this Application through a negotiated agreement to restrict the scope of the authority sought in the Application. Applicant has filed the Agreement and the Restrictive Amendment to amend the Application according to the settlement. Hy-Mountain has requested that its intervention be deemed withdrawn. Both Parties have asked to vacate the evidentiary hearing.

11. Since the Parties have resolved their disputes over this Application, the ALJ will grant their requests to vacate the hearing scheduled for September 24, 2019 at 9:00 a.m.

12. The ALJ will issue a Recommended Decision adjudicating the merits of the Application, as amended, in the near future.

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<sup>3</sup> Email from Charles J. Kimball, counsel for Hy-Mountain, to ALJ Steven Denman, dated 10:04 a.m. on September 19, 2019. Mr. Kimball’s email has also been filed in this proceeding as correspondence.

<sup>4</sup> See Rule 1408 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

**II. ORDER**

**A. It Is Ordered That:**

1. The Restrictive Amendment, filed by Applicant Get2Vail Corp on September 19, 2019, and the email sent by counsel for Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi, to the Administrative Law Judge on September 19, 2019, shall be construed to satisfy the filing requirements of Decision No. R19-0774-I (mailed on September 18, 2019).

2. The evidentiary hearing scheduled for September 24, 2019 at 9:00 a.m. in a Commission hearing room shall be vacated.

3. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director