

Decision No. R19-0833

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0176CP

IN THE MATTER OF THE PETITION OF ROCKY MOUNTAIN AMPHICAR
ADVENTURES FOR AN ORDER OF THE COMMISSION AUTHORIZING A
WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR
VEHICLE, 4 CCR 723-6.

PROCEEDING NO. 19V-0177CP

IN THE MATTER OF THE PETITION OF ROCKY MOUNTAIN AMPHICAR
ADVENTURES FOR AN ORDER OF THE COMMISSION AUTHORIZING A
WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR
VEHICLE, 4 CCR 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
ON JURISDICTION AND DISMISSING PETITIONS**

Mailed Date: October 15, 2019

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I. STATEMENT

1. This Recommended Decision finds that the Public Utilities Commission of the State of Colorado (Commission) lacks jurisdiction over the proposed operations of, and services

proposed by, Rocky Mountain Amphicar Adventures, LLC (RMAA), and it dismisses the Petitions captioned above, filed with the Commission on April 3, 2019, seeking waivers of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (2017), regarding age of motor vehicles for 1966 and 1967 Amphicar Model 770 vehicles.

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

passengers in call-and-demand sightseeing service

between all points within a 2-mile radius of the intersection of Grand Avenue and Vine Street in Grand Lake, State of Colorado.

RESTRICTION:

This [authority] is restricted to the use of Amphicar Model 770 vehicles.

The 30-day intervention deadline set by the Notice ended on May 8, 2019, and the deadline for filing an intervention by Staff of the Public Utilities Commission of the State of Colorado (Staff) was May 15, 2019.

3. The April 8, 2019 Notice also included the two waiver Petitions, stating that each Petition sought an order of the Commission authorizing a waiver of Rule 6213(a) (Age of Motor Vehicles) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6¹ (collectively, Waiver Petitions).

4. On May 10, 2019 in Proceeding No. 19A-0170CP, Staff filed a Notice of Intervention as of Right by Staff, Entry of Appearance and Notice Pursuant to Rule 1007(a) and

¹ Each Petition in Proceeding Nos. 19V-0176CP and 19V-0177CP seeks a waiver of Rule 6213(a) for an Amphicar Model 770 vehicle, each of which is more than 50 model years of age.

Rule 1401 (Intervention). Staff's Intervention requested that the CPCN Application be set for hearing and listed the following concerns with the filing:

- a. The Commission's rules do not provide guidelines that address the operational and safety concerns that arise from the use of an amphicar as a passenger-carrying motor vehicle for hire.
 - b. The Applicant also filed two Petitions for a waiver of vehicle rules that each listed one vehicle but discusses that the cars (plural) are to be used in its operations and this application states it has two amphicars it will use and a third as a backup.
 - c. The vehicles proposed to be used are over 50 years old.
 - d. The current Annual Vehicle Inspection Report Form, for example, lists 13 separate components that require inspection by an authorized inspector. There are a number of components that may not apply or would need to be modified or added for an amphicar, including but not limited to: exhaust system; steering mechanism; and suspension.
 - e. Additionally, the Applicant has not addressed the manner in which it will conform to the Commission's rules for common carriers, including but not limited to the display of vehicle stamps and permit number.
 - f. This Applicant indicates there will be both transportation on land and in water. Staff is concerned that this would require the driver to drive the vehicle in traffic after it has been exposed to water as well as handling the distractions of answering the customers' questions and pointing out tour sites to the customer.
 - g. Further, there is the risk of traffic incidents in adverse weather conditions. A wet, icy or snowy condition would also dramatically increase safety concerns for an amphicar as this vehicle may not carry equipment designed to help with weather conditions.
 - h. Staff is also concerned that an amphicar may require a driver's additional physical exertion to maintain control while driving, much more so than a car. The Commission's rules may need to be significantly amended to address the appropriate restrictions on driver's hours of service.
 - i. Additionally, Staff questions whether the Commission rules contemplated such type of vehicles when it established the insurance limits for vehicles that transport passengers on land and in the water.²
5. No other interested persons moved to intervene.

² Staff's Intervention at pages 1 through 3.

6. The Commission deemed the CPCN Application in Proceeding No. 19A-0170CP complete within the meaning of § 40-6-109.5, C.R.S., on May 22, 2019, and referred it to an Administrative Law Judge (ALJ) for disposition. Proceeding No. 19A-0170CP was subsequently assigned to the undersigned ALJ.

7. In addition, on May 10, 2019 Staff filed Notices of Intervention as of Right by Staff, Entry of Appearance and Notice Pursuant to Rule 1007(a) and Rule 1401 in both Proceeding Nos. 19V-0176CP and 19V-0177CP, Staff's Interventions requested that each Petition be set for hearing and listed Staff's concerns.³

8. The ALJ acknowledged Staff's intervention as of right in Proceeding No. 19A-0170CP in Decision No. R19-0474-I (mailed on June 7, 2019). The ALJ acknowledged Staff's Interventions as of right in Proceeding Nos. 19V-0176CP and 19V-0177CP in Decision Nos. R19-0477-I (mailed on June 7, 2019) and R19-0479-I (mailed on June 7, 2019), respectively.

9. The ALJ scheduled a combined prehearing conference in all three proceedings for June 13, 2019 at 1:30 p.m.⁴

10. On June 12, 2019, counsel for RMAA, Mark T. Valentine, Esquire, entered his appearance in Proceeding No. 19A-0170CP.

11. The combined prehearing conference was called to order as scheduled. Staff appeared through counsel, Assistant Attorney General Aaron Neptune. Mr. Valentine appeared on behalf of RMAA in Proceeding No. 19A-0170CP, as well as in Proceeding Nos. 19V-0176CP and 19V-0177CP.

³ On May 17, 2019, Staff amended all three Interventions to add two more Advisory Staff members.

⁴ See Decision Nos. R19-0474-I, R19-0477-I, and R19-0479-I (all mailed on June 7, 2019).

12. At the prehearing conference, neither RMAA nor Staff objected to the consolidation of Proceeding Nos. 19V-0176CP and 19V-0177CP with Proceeding No. 19A-0170CP.

13. The ALJ also discussed with counsel whether the former Rule 6213(a) on age of vehicles, or the new Rule 6117(c) on age of vehicles, applies to the Waiver Petitions.⁵ The two Petitions for Waiver/Variance of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, were filed on April 3, 2019, before the May 15, 2019 effective date of the New Transportation Rules. Counsel for RMAA and Staff agreed that the new Rule 6117 should only be applied prospectively, and not retroactively to the two Waiver Petitions.

14. Decision No. R19-0511-I (mailed June 14, 2019) consolidated all three proceedings, pursuant to Rule 1402 of the Rules of Practice and Procedure, 4 CCR 723-1. Decision No. R19-0511-I also confirmed that the Waiver Petitions in Proceeding Nos. 19V-0176CP and 19V-0177CP seek waivers of the version of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, in effect on April 3, 2019, when the Petitions were filed.

15. Decision No. R19-0511-I also established a procedural schedule by which RMAA and Staff would file their prehearing disclosures (*i.e.*, their lists of witnesses, detailed summaries of the testimony of each witness, and copies of the exhibits that they intend to offer into evidence at the hearing). RMAA agreed to file its prehearing disclosures no later than 5:00 p.m. on July 5, 2019. Staff agreed to file its prehearing disclosures no later than 5:00 p.m. on July 26, 2019. RMAA and Staff both timely filed their prehearing disclosures.

⁵ New Rule 6117(c) is part of the amended Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 (New Transportation Rules), which became effective on May 15, 2019.

16. Decision No. R19-0511-I also scheduled an evidentiary hearing on the CPCN Application and Waiver Petitions for August 28, 2019 at 10:00 a.m. in a Commission Hearing Room, with August 29, 2019 at 10:00 a.m. reserved if needed.

A. Unopposed Motion to Withdraw Application and to Vacate the Hearing Dates.

17. On August 23, 2019, RMAA filed an Unopposed Motion to Withdraw Application and to Vacate the Hearing Dates (Unopposed Motion). RMAA requested to withdraw the CPCN Application in Proceeding No. 19A-0170CP because the service RMAA proposed to offer did not require a CPCN. RMAA stated that Staff and RMAA agreed that the Commission would not have jurisdiction over the Amphicars when they are on the water (*i.e.*, on Grand Lake). Rather, the Division of Parks and Wildlife licenses watercraft that operate commercially in Colorado, and RMAA would be required to license the Amphicar vehicles just as it would a boat.

18. RMAA asserted that the proposed service fits within the limited regulation statutes in § 40-10.1-301 *et seq.*, C.R.S., and stated that it would file an application with the Commission to operate as an off-road scenic charter, pursuant to Rule 6302 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and § 40-10.1-301(12), C.R.S.⁶

19. Section 40-10.1-301(12), C.R.S., defines “Off-road scenic charter” to mean “a motor vehicle that transports passengers, on a charter basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off

⁶ See Unopposed Motion at pages 2 and 3. A review of Commission records revealed that, as of the date this Decision was issued, RMAA had not filed an application to operate as an off-road scenic charter, or any applications or petitions other than those involved in this Consolidated Proceeding.

of paved roads.”⁷ It is not at all clear from the existing record in this Proceeding, however, that the proposed service would actually use “a route that is wholly or partly off of paved roads.” While boating on Grand Lake may literally be “off of paved roads,” the ALJ believes the legal question is unresolved whether the intent of the Colorado Legislature (Legislature) in adopting the statutory definition of “Off-road scenic charter” was to regulate a service in amphibious watercraft-vehicles or was limited to regulation of chartered motor vehicles that carry passengers to scenic destinations within Colorado on unpaved dirt roads and jeep trails.⁸ For reasons addressed *infra* in this Decision, however, it is unnecessary to resolve this issue.

20. The Unopposed Motion stated that Staff did not oppose the withdrawal of the CPCN Application and vacating the hearing dates. Hence, the Unopposed Motion requested that response time be waived.

21. Pursuant to Rule 1309 of the Rules of Practice and Procedure, 4 CCR 723-1,⁹ in Decision No. R19-0712-I (mailed on August 27, 2019) in Proceeding No. 19A-0170CP, the ALJ found that RMAA had stated good cause to withdraw its CPCN Application. Since Staff did not oppose the withdrawal, the ALJ found that Staff would not be prejudiced by withdrawal of the CPCN Application. The ALJ waived response time. The Unopposed Motion was granted, and the CPCN Application was withdrawn. The ALJ also vacated the evidentiary hearing scheduled for August 28 and 29, 2019.

⁷ Rule 6301(i) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 (2019), is similar and incorporates the statutory definition.

⁸ A text search of Commission decisions on the Commission’s web-site, at: <http://www.dora.state.co.us/puc/PUCsearch.html>, for the term “Off Road Scenic Charter” produced no Commission decisions addressing the intent of the Legislature in adopting the definition in § 40-10.1-301(12), C.R.S., or even discussing the term.

⁹ Rule 1309 of the Rules of Practice and Procedure, 4 CCR 723-1, provides that, if an application is within 45 days of the hearing date, the applicant must file a motion to obtain leave of the Commission to withdraw the application and state good cause for the withdrawal. The Commission must also consider whether other parties would be prejudiced by the withdrawal.

22. After RMAA's withdrawal of the CPCN Application, the Waiver Petitions, seeking waivers of Rule 6213(a) for the two Amphicar Model 770 vehicles, remained before the ALJ for disposition.

23. In Decision No. R19-0712-I, the ALJ ordered Staff, which remained a Party in Proceeding Nos. 19V-0176CP and 19V-0177CP, to file a pleading answering two questions:

a. Staff enforces the Commission's safety rules regardless of whether the motor carrier has a CPCN or a limited regulation permit. If RMAA applies for an off-road scenic charter permit, does Staff still have the concerns identified in (a) – (i) at pages 1 – 3 of its Intervention in Proceeding No. 19A-0170CP?¹⁰

b. What are Staff's intentions regarding the merits of the two Petitions in Proceeding Nos. 19V-0176CP and 19V-0177CP?¹¹

24. On September 4, 2019, Staff filed Staff's Response to Interim Decision of Administrative Law Judge Denman Granting Unopposed Motion to Withdraw Application and Vacate Hearing (Response), providing answers to the ALJ's questions. For several reasons, Staff argues that the Commission lacks jurisdiction over the service proposed by RMAA and that the CPCN Application and Waiver Petitions should be denied. Staff's reasons for those conclusions are discussed below.

¹⁰ See Paragraph Nos. 6.a. through 6.i. of this Decision, *supra*, at pages 3 and 4.

¹¹ Decision No. R19-0712-I at p. 8, ¶ 32.

B. Does the Commission have Jurisdiction Over the Proposed Service?

25. The common carrier authority sought by the CPCN Application, as amended, was:

For the transportation of

passengers in call-and-demand sightseeing service

between all points within a 2-mile radius of the intersection of Grand Avenue and Vine Street in Grand Lake, State of Colorado.

The authority would be restricted to the use of Amphicar Model 770 vehicles.¹²

26. In the CPCN Application, RMAA's "business model," as the Staff describes it, states:

We will be picking up passengers from the middle of the town of Grand Lake, driving 1.5 miles to the east boat launch (no faster than 20 miles per hour) – approximately 6 minutes, swim the car for ten minutes, giving a short, scenic tour, then 1.5 miles back to the original pick up location. Complete tour will take between twenty and 30 minutes. Drive time on the road will take 12 minutes. ...

We will be providing a unique sightseeing opportunity to the many visitors that make Grand Lake their vacation destination. The town expressed to us that Grand Lake has more tourists than things for the tourists to do. The Amphicars fit well within the historic buildings and watercraft that are so prevalent at Grand Lake. The only other sightseeing tour[s] [are] an on the lake pontoon tour and a couple of walking tours. We will provide the only tour that will take the visitors above the lake for a[n] amazing s[c]enic view prior to an [aquatic] adventure.¹³

27. First, based on the business model in the CPCN Application (quoted above), Staff argues that RMAA's proposed use of its the Amphicars "equates to what is more or less a carnival ride, and that the primary purpose of the business and therefore the monetary charge for service is for the ride on the lake utilizing a vintage novelty ride."¹⁴

28. Staff apparently relies upon § 40-10.1-105(1), C.R.S., which provides that certain types of transportation are not subject to regulation under Article 10.1, including "(f) An

¹² Amendment filed on April 3, 2019.

¹³ CPCN Application filed on April 2, 2019, Paragraph Nos. 10 and 11 at pages 3 and 4.

¹⁴ Staff's Response at pages 3 and 4.

amusement ride consisting of a towed vehicle that is incapable of operating under its own power, the principal purpose of which is to carry individuals over short distances for their enjoyment and by which the provision of a transportation service is only incidental.”

29. A comparison of RMAA’s “business plan” with the text of §40-10.1-105(1)(f), C.R.S., leads the ALJ to the inescapable conclusion that Staff’s argument that the proposed service is a carnival ride, or amusement ride in the language of the statute, is incorrect. As proposed by RMAA, an Amphicar would not be “a towed vehicle that is incapable of operating under its own power.” RMAA’s business plan indicated that the Amphicars would be driven to the East Inlet Boat Launch on Grand Lake.¹⁵ The Witness and Exhibit List filed by RMAA on July 8, 2019, stated clearly that while on the road the Amphicars are “in essence cars, with motors, brakes, [and] a suspension....” However, when in the water, the Amphicars “operate as traditional boats, with a hull and motors.” The Amphicars would be registered as cars with the State of Colorado and as boats with the Colorado Division of Parks and Wildlife.¹⁶

30. The ALJ finds and concludes that the proposed service is not an unregulated carnival ride or amusement ride, pursuant to § 40-10.1-105(1)(f), C.R.S.

31. Several statutes concerning Motor Carriers are relevant to determine whether the Commission has jurisdiction over the proposed service:

- a. § 40-10.1-104, C.R.S., provides that: “A person shall not operate or offer to operate as a motor carrier in this state except in accordance with this article [10.1].”
- b. § 40-10.1-103(2), C.R.S., provides that: “motor carriers ... are declared to be affected with a public interest and are subject to regulation to the extent provided in this article [10.1].”

¹⁵ See CPCN Application filed on April 2, 2019, Paragraph Nos. 10 and 11 at pages 3 and 4.

¹⁶ See RMAA’s Witness and Exhibit List filed on July 8, 2019, at page 2.

- c. § 40-10.1-101(10), C.R.S., defines “Motor carrier” to mean “any person owning, controlling, operating, or managing a motor vehicle that provides transportation in intrastate commerce pursuant to this article [10.1]....”¹⁷
- d. § 40-10.1-101(9), C.R.S., defines “motor vehicle” to mean “any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby.”
- e. § 40-10.1-101(9), C.R.S., defines “Intrastate commerce” as “transportation for compensation by motor vehicles over the public highways between points in this state.”
- f. § 40-10.1-101(16), C.R.S., defines “Public highway” to mean “every street, road, or highway in this state over which the public generally has a right to travel.”

32. Staff’s second arguments is that: “Due to the unique nature of RMAA’s watercraft-vehicles and the fact that the service proposed by RMAA would not be solely restricted to public highways as defined by C.R.S. § 40-10.1-101(16), they do not currently meet the criteria of what the legislature has defined for a motor vehicle, § 40-10.1-101(11) C.R.S., to be used in intrastate commerce, § 40-10.1-101(9) C.R.S.”¹⁸

33. Staff concludes that the Commission lacks jurisdiction over the proposed service, because “RMAA is not providing transportation for compensation by a motor vehicle over the public highways between points in Colorado. Rather, the ampicars will provide an enjoyable diversion within Grand Lake with only ancillary motor vehicle transportation between pick-up and drop-off points.”¹⁹

34. The ALJ agrees with Staff’s conclusion that the Commission lacks jurisdiction to regulate the proposed sightseeing service. Arguably an Ampicar may be an “other

¹⁷ Section 40-10.1-101(10), C.R.S., excludes from the definition of “motor carrier” transportation network companies as defined in § 40-10.1-602(3), C.R.S., and transportation network company drivers as defined in § 40-10.1-602(4), C.R.S.

¹⁸ Staff’s Response at p. 4.

¹⁹ Staff’s Response at pages 4 and 5.

self-propelled vehicle,” and hence a “motor vehicle” per the definition in § 40-10.1-101(9), C.R.S. However, it is unnecessary for the ALJ to resolve that question. Based upon substantial facts in the record, the ALJ finds that the proposed transportation of passengers for hire in this service is not in intrastate commerce, as required by the definition in § 40-10.1-101(9), C.R.S. The ALJ finds that the proposed sightseeing service would transport up to four passengers in an Amphicar, for a fee, from the intersection of Vine Street and Grand Avenue in the Town of Grand Lake via a scenic route along the Grand Lake shoreline to the East Inlet Boat Launch (a distance of 1.5 miles), where the Amphicar would make a scenic tour on Grand Lake. After the tour, the Amphicar would transport the passengers back to the starting point. The whole tour would take between 20 and 30 minutes.²⁰

35. Based upon substantial facts in the record, the ALJ finds that RMAA’s proposed transportation of passengers for compensation is not “over the public highways between points in this state,” as required by § 40-10.1-101(9), C.R.S. Instead, the primary purpose of the proposed transportation for compensation is to provide a scenic tour in a watercraft-vehicle on Grand Lake. Any transportation of passengers on public highways in the Town of Grand Lake and along the shoreline is incidental to the primary purpose of providing a scenic tour on Grand Lake itself. Therefore, the ALJ finds and concludes that the proposed sightseeing service is not within the regulatory jurisdiction of the Commission.

36. Staff relies on Decision No. R99-687 (mailed on June 24, 1999) in Docket No. 99A-117CP, *In the Matter of the Application of Come and See, Inc., D/B/A Come and See Travel Services*, to support its argument that the primary service being proposed by RMAA is not subject to Commission regulation and that the Waiver Petitions are outside of the Commission’s

²⁰ See CPCN Application, Paragraph Nos. 10 and 11 at pages 3 and 4; Waiver Petitions at page 2.

jurisdiction.²¹ In the *Come and See* decision, the Commission found that Come and See, Inc. (Come and See) was a travel services entity that marketed adventure packages (such as ski, golfing, and dude ranch trips) for visitors to Western Colorado at package prices. Come and See wanted to provide the transportation component of these trips, without a separate itemized charge for transportation and without making a profit on the transportation. The ALJ concluded that the transportation to be provided by Come and See was merely incidental to its overall activity of vacation packaging, and Come and See's service did not require certification by the Commission. Come and See's application was dismissed.²²

37. Moreover, the Colorado Supreme Court has previously held that transportation provided for their guests by motels and hotels to airports was a limited and incidental part of motel business operations, was not provided "for hire" within the meaning of the Public Utilities Law, and was not within the jurisdiction of the Commission. *See Yellow Cab, Inc. v. Malibu Motor Hotel, Inc.*, 172 Colo. 349, 473 P.2d 710 (1970).²³

38. Finally, the ALJ finds and concludes that, since the sightseeing service being proposed by RMAA is not subject to the Commission's regulatory jurisdiction, the Waiver Petitions are also outside of the Commission's jurisdiction.

39. Therefore, the Waiver Petitions in Proceeding No. 19V-0176CP and Proceeding No. 19V-0177CP will be dismissed.

²¹ Staff's Response at page 4.

²² Staff's Response, Exhibit A at pages 3 through 5; 11 and 12; and 13.

²³ *See also*, Decision No. C01-303 (mailed on March 30, 2001) in Docket No. 00D-352CP, *In the Matter of the Petition for a Declaratory Order by the Gilpin Hotel Venture* (Free transportation for employees by casinos is not for compensation within the meaning of public utility statutes and beyond the Commission's jurisdiction).

40. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Petition filed on April 3, 2019 by Rocky Mountain Amphicar Adventures, LLC (RMAA), in Proceeding No. 19V-0176CP, seeking a waiver of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (2017) (age of a motor vehicle), regarding a 1966 Amphicar Model 770, Vehicle Identification No. (VIN) 106521896 with 17,677 miles, is dismissed for lack of jurisdiction.

2. The Petition filed on April 3, 2019 by RMAA, in Proceeding No. 19V-0177CP, seeking a waiver of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 (2017) (age of a motor vehicle), regarding a 1967 Amphicar Model 770, VIN No. 106523641 with 13,993 miles, is dismissed for lack of jurisdiction.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion within 20 days after service, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director