Decision No. R20-0203-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0652CP

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 MELODY MIRBABA SCHEDULING REMOTE STATUS CONFERENCE

Mailed Date: March 30, 2020

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

1. Only the relevant portion of the procedural history is included. On January 28, 2020, the Administrative Law Judge (ALJ) scheduled an in-person evidentiary hearing on the above-captioned Application for May 7, 2020, and established procedural deadlines relating to that hearing. Decision No. R20-0061-I. The hearing is scheduled to take place in Steamboat Springs, which is in Routt County, Colorado. *Id.* The parties in this proceeding are: Strawberry Park Hot Springs Shuttle LLC, Hot Springs Shuttle LLC, and Sweat Pea Tours SBS Inc. The current statutory deadline for a final Commission decision to issue in this proceeding is September 8, 2020. Decision No. R20-0030-I; *see* § 40-6-109.5(1), C.R.S. (2019).

2. Since the hearing was scheduled, several significant developments have occurred. To start, Colorado Governor Jared Polis declared a disaster emergency due to the presence of the coronavirus disease 2019 (COVID-19) in Colorado. Executive Order D-2020 003, issued March 11, 2020. On March 25, 2020, Governor Polis issued a "stay at home order" for the entire State. Executive Order D-2020 017, appended as Attachment A. In addition, state agencies and

local governments have implemented numerous restrictions to slow the spread of COVID-19. For example, Commission personnel are restricted to essential travel only.[1] The Routt County Department of Health (County Health Department) issued Public Health (PH) Order 2020-01, prohibiting short-term lodging and rentals, including hotels and the like in Routt County; the Order prohibits new bookings or reservations, and cancels reservations beginning March 27, 2020. Attachment B. The County Health Department also issued PH Order 2020-02, prohibiting gatherings of five or more individuals who are not part of their immediate household. Attachment C. Both County Health Department orders are effective from March 24, 2020 through April 24, 2020. Attachments B and C.

3. While these restrictions expire before the May 7, 2020 hearing, there is significant uncertainty as to whether they will be extended beyond their expiration and whether the public will continue to be at risk for contracting COVID-19 at the time of the scheduled in-person hearing. Given all of this, the ALJ finds that it is necessary to hold a remote status conference. At the status conference, the parties should be prepared to discuss these issues and their potential impact on the May 7, 2020 hearing; whether Applicant is willing to waive the statutory deadline for a final Commission decision to issue; whether circumstances exist to warrant further extension of the statutory deadline under § 40-6-109.5, C.R.S.; and any other relevant matters.

4. The status conference will be held remotely; this means that the parties may not appear at the Commission in person to attend the hearing. Instead, parties will attend the status conference from remote locations, either by telephone, or by video conference using the link

[1] The ALJ and the court reporter must travel to Steamboat Springs for the in-person hearing; if this restriction remains in place, the ALJ and court reporter will not be able to do this.

provided in this Decision. The ALJ encourages the parties to attend by video conference, as this will provide helpful additional information on appropriate next steps.

5. The Commission uses a Google platform[2] to hold video conferences and will use this tool for the remote status conference in this proceeding. Information and tutorials on the relevant Google tool available at this link may prove helpful: https://support.google.com/a/users/answer/9282720?hl=en. This link is only provided for the parties' convenience, and is not intended to guarantee that the information on the link is accurate or that it provides all the information the parties may need in order to use the relevant Google tool.

6. To use Google's platform to join the remote hearing by video conference, the parties must use a computer with a microphone, camera, and internet access. Tablets and smartphones may also be used, but this may require additional steps, such as downloading a Google application. Anyone wishing to the join status conference by video using a tablet or smartphone is responsible for ensuring that their device will allow them to use Google's platform for video conferencing.

[2] This platform is part of Google's G Suite, and is commonly known as Google Hangouts Meet or Google Meet.

II. ORDER

A. It Is Ordered That:

1. A remote status conference is scheduled as follows:

DATE: April 6, 2020

TIME: 11:00 a.m.

METHOD: Join by video conference at the following link:
https://meet.google.com/tsr-wajy-njd

Join by telephone:
Dial +1 (857)529-6651, and
when prompted, enter PIN: 717 455 102#

2. This Decision is effective immediately.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director