

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0072CP

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

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING MOTIONS TO DISMISS, VACATING
HEARING, DISMISSING APPLICATION WITHOUT
PREJUDICE, AND CLOSING PROCEEDING**

Mailed Date: July 7, 2020

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I. STATEMENT

A. Background

1. On February 27, 2020, Adventure Colorado Tours (ACT) filed the application described in the caption above (Application).

2. On March 2, 2020, the Commission issued a notice of the Application.

3. On March 30, 2020, Aspire Tours LLC (Aspire Tours) and Ullr Tours, LLC, doing business as Colorado Sightseer (Colorado Sightseer), filed separate interventions in this proceeding.

4. On April 1, 2020, Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer Tours), and CKIMY, LLC, doing business as iLIMO (iLIMO), filed separate interventions in this proceeding. Aspire Tours, Colorado Sightseer, Explorer Tours, and iLIMO shall be referred to collectively as Intervenors.

5. On April 8, 2020, the Commission deemed the Application complete and referred it to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

6. On April 24, 2020, the ALJ issued Decision No. R20-0298-I that scheduled the hearing for July 13, 2020 and established a prehearing schedule that required ACT to file and serve on the Intervenors its witness and exhibit list and exhibits by May 22, 2020, and the Intervenors to file and serve on ACT the same documents by June 19, 2020.

7. To date, ACT has not filed and served its witness and exhibit list and exhibits.

8. On June 19, 2020, iLIMO and Colorado Sightseer filed separate Motions to Strike or Dismiss the Application on the basis that ACT had failed to comply with the requirement in Decision No. R20-0298-I to file and serve its witness and exhibit list and exhibits by May 22, 2020 (Motions to Dismiss).

9. On June 24, 2020, ACT filed a Response to the Motions to Dismiss in which ACT stated that it “agrees that a dismissal – without prejudice – is appropriate.”¹

¹ ACT’s Response to Motions to Dismiss at 1.

B. Analysis

10. The Motions to Dismiss are unopposed and state good cause for the relief requested. Accordingly, they shall be granted and the Application shall be dismissed without prejudice.

II. ORDER**A. The Commission Orders That:**

1. The Motions to Dismiss filed by CKIMY, LLC, doing business as iLIMO, and Ullr Tours, LLC, doing business as Colorado Sightseer (Colorado Sightseer), are granted consistent with the discussion above.

2. The hearing scheduled for July 13, 2020 is vacated.

3. The Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by of Adventure Colorado Tours on February 27, 2020 is dismissed without prejudice.

4. Proceeding No. 20A-0072CP is closed.

5. 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.

- 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, 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.

6. If exceptions to this Recommended 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)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge