

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0339CP

IN THE MATTER OF THE APPLICATION OF PAGOSA ADVENTURE DOING BUSINESS AS WOLF CREEK TAXI 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: November 6, 2020

TABLE OF CONTENTS

I. STATEMENT.....	1
II. INTERVENTIONS.....	3
III. PROCEDURAL SCHEDULE.....	3
IV. REMOTE HEARING.....	5
A. Instructions for Participating in the Remote Hearing.....	6
V. ORDER.....	6
A. It Is Ordered That:	6

I. STATEMENT

1. On August 18, 2020, Pagosa Adventure, doing business as Wolf Creek Taxi 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 August 24, 2020, the Commission provided public notice of the 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 taxi service and call-and-demand shuttle service between all points in the Counties of Archuleta, La Plata, and Mineral, State of Colorado.

3. On August 25, 2020, Pagosa Cab filed its Intervention through George Brown. This filing did not identify Mr. Brown as an owner or member of Pagosa Cab nor did it identify Mr. Brown as an attorney. The filing did not include a Commission authority held by Pagosa Cab.

4. On August 26, 2020, Wilderness Journeys Pagosa, Inc., doing business as A1 Taxi (A1 Taxi) filed its Intervention and Entry of Appearance through Kevin Metzler. The filing identified Mr. Metzler as an owner of A1 Taxi but did not identify Mr. Metzler as an attorney. The filing included Commission Authority No. 16400 held by A1 Taxi.

5. On August 27, 2020, San Juan Sentry, LLC, doing business as Durango Cab (Durango Cab) filed its Notice of Intervention by Right through Edward Gilbert. This filing did not identify Mr. Gilbert as an owner or member of Durango Cab, nor did it identify Mr. Gilbert as an attorney. This filing attached Commission Authority No. 14196 held by Durango Cab.

6. On September 30, 2020, the Commission deemed the Application complete and referred it to the undersigned Administrative Law Judge (ALJ) for disposition.

7. On October 8 2020, by Decision No. R20-0710-I, a prehearing conference was scheduled for October 29, 2020. This Decision memorializes agreements made at the prehearing conference.

II. INTERVENTIONS

8. As noted above, Pagosa Cab failed to file any Commission authority with its intervention. Pagosa Cab was ordered to file a copy of its Commission authority as required by 4 *Code of Colorado Regulations* (CCR) 723-1-1401(e)(I) of the Rules of Practice and Procedure, no later than October 23, 2020.

9. Pagosa Cab did not make the required filing therefore its Intervention is denied.

10. A1 Taxi and Durango Cab were also ordered to make filings concerning legal representation. A1 Taxi and Durango Cab made the required filings and they are intervenors in the above captioned proceeding.

III. PROCEDURAL SCHEDULE

11. At the prehearing conference the parties agreed to the following procedural schedule.

Applicant’s Witness and Exhibit List & Exhibits due date.....	November 29, 2020
Intervenor’s Witness and Exhibit List & Exhibits due date.....	December 21, 2020
Evidentiary Hearing on Application	January 5, 2021

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

13. 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.

14. 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.

15. 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).

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

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

18. 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.

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

20. All parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 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.

21. Non-attorneys will be held to the same standards as attorneys. Any party wishing to make an oral closing statement may do so immediately following the close of the evidence (*i.e.*, after presentation of evidence near the end of the hearing).

IV. REMOTE HEARING

28. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19). Since then, Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while attempting to mitigate the risks to State employees and the public. For example, the Commission has been conducting its Weekly Meetings remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. Finally, public access to the building containing the Commission's offices and hearing rooms has been restricted and it is unclear when the restriction will be lifted.

29. Under these circumstances, the hearing scheduled for January 5, 2021 shall be converted into a remote hearing in which the participants will appear from remote locations, as provided below. The ALJ finds that holding a remote hearing is consistent with current public health advisories to prevent the spread of COVID-19. The ALJ concludes that it is in the parties' and the public interest to hold the hearing in this proceeding as a remote hearing.¹

¹ If conditions change and the restrictions are lifted, the hearing may revert back to an in person hearing.

A. Instructions for Participating in the Remote Hearing

30. Attachment A to this Decision provides the requirements and information addressing how to use the GoToMeeting platform for participating in the hearing.

31. Parties must follow the procedures for filing exhibits contained in Attachment B to this Decision.

V. ORDER

A. It Is Ordered That:

1. An evidentiary hearing in this proceeding is scheduled as follows:

DATE: January 5, 2021

TIME: 9:00 a.m.

WEBCASTS: Commission Hearing Room B

METHOD: By video conference using GoToMeetings at the link provided to parties by email prior to the prehearing conference

2. The intervention of Pagosa Cab is denied. Pagosa Cab is not a party to this proceeding.

3. The procedural schedule as stated in ¶ 11 is adopted.

4. Attachment A is incorporated into this Decision.

5. Attachment B is incorporated into this Decision

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