

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0178CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF GREEN MOUNTAIN SKI BUS, INC., DOING BUSINESS AS FRONT RANGE SKI BUS, FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55822.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, AMENDING SCOPE
OF AUTHORITY SOUGHT, GRANTING AND
DENYING INTERVENTIONS, CERTIFYING
DENIAL OF INTERVENTION AS IMMEDIATELY
APPEALABLE AND ESTABLISHING FILING
SCHEDULE RELATED TO THAT APPEAL, SCHEDULING
EVIDENTIARY HEARING, ESTABLISHING
PROCEDURAL SCHEDULE, SHORTENING
RESPONSE TIME TO DISCOVERY-RELATED
MOTIONS, AND CONTAINING ADVISEMENTS**

Mailed Date: May 13, 2014

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I. STATEMENT

1. On February 26, 2014, Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus (Ski Bus or Applicant), filed an Application for Permanent Authority to Extend Current Operations under Certificate of Public Convenience and Necessity PUC No. 55822. That filing commenced this Proceeding.

2. On March 6, 2014, Applicant filed a clarification of the authority sought and supplemented the February 26, 2014 filing.

3. On March 10, 2014, the Commission issued its Notice of Application Filed (Notice). That Notice described the authority sought by Applicant (Notice at 2-3), established an intervention period (*id.* at 1), and contained a procedural schedule (*id.*). On April 25, 2014, Decision No. R14-0420-I vacated that procedural schedule.

4. On March 31, 2014, MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi and/or Northwest Suburban Taxi (Metro Taxi), timely filed (in one document) its Entry of Appearance and Intervention by Right in Opposition to the Permanent Authority Application or Alternate Motion to Permissively Intervene.¹ This filing is discussed below.

5. On April 9, 2014, Colorado Cab Company, LLC, doing business as Denver Yellow Cab (Colorado Cab), timely filed (in one document) its Entry of Appearance and Notice of Intervention by Right, Alternative Motion for Permissive Intervention, Opposition to Application, and Request for Hearing. This filing is discussed below.

¹ On the same date, Metro Taxi filed its Preliminary List of Witnesses. On the same date, Metro Taxi filed its Preliminary List of Exhibits, to which are attached copies of proposed exhibits.

6. On April 9, 2014, SuperShuttle International Denver, Inc. (SuperShuttle), timely filed (in one document) its Entry of Appearance and Notice of Intervention by Right, Alternative Motion for Permissive Intervention, Opposition to Application, and Request for Hearing. This filing is discussed below.

7. On April 16, 2014, by Minute Order the Commission referred this matter to an Administrative Law Judge (ALJ).

8. On April 16, 2014, the Commission deemed the application to be complete within the meaning of § 40-6-109.5, C.R.S. Pursuant to § 40-6-109.5(2), C.R.S., and absent an enlargement of time by the Commission² or Applicant's waiver of § 40-6-109.5, C.R.S., a Commission decision in this Proceeding should issue not later than 210 days from the date on which the Commission deemed the application to be complete. Thus, the Commission should issue its decision in this Proceeding on or before November 12, 2014.

9. By Decision No. R14-0420-I, the ALJ scheduled a prehearing conference in this matter to be held on May 9, 2014.

10. On May 9, 2014, at the time and in the place scheduled, the ALJ called the prehearing conference to order. Applicant, Colorado Cab, Metro Taxi, and SuperShuttle were present; were represented; and participated. During the prehearing conference, the ALJ made several rulings from the bench. This Interim Decision memorializes those rulings.

² Pursuant to § 40-6-109.5(4), C.R.S., the Commission may extend the time for decision an additional 90 days upon a finding of extraordinary circumstances.

A. Motion to Amend Application.

11. As noticed by the Commission, the Applicant sought authority to operate as a common carrier by motor vehicle for hire to provide:

I. Transportation of

passengers in call-and-demand shuttle and charter service

between all points in the Counties of Adams, Arapahoe, Denver, Douglas, and Jefferson, State of Colorado, on the one hand, and all points in the Counties of Clear Creek, Eagle, Grand, and Summit, State of Colorado, on the other hand; and

II. Transportation of

passengers

in call-and-demand shuttle and charter service between all points in the Counties of Adams, Arapahoe, Denver, and Douglas, State of Colorado, on the one hand, and 18300 W. Alameda Parkway, Red Rocks Park and Amphitheater, Morrison, Colorado, on the other hand.

RESTRICTIONS:

Item (I) is restricted:

- (A) Against providing transportation services to or from Denver International Airport, Denver, Colorado;
- (B) Against originating or terminating transportation service at points within the area in downtown Denver defined as follows: beginning at the intersection of 15th Street and Blake Street, then northeast along Blake Street to 18th Street; then southeast along 18th Street to Broadway; then south along Broadway to Colfax Avenue; then west along Colfax Avenue to 15th Street; then northwest along 15th Street to the point of beginning;
- (C) Against originating or terminating transportation service at points within a one and one-half mile radius of the Denver West Marriott, 1717 Denver West Marriott Boulevard, Golden, Colorado; and
- (D) To the use of vehicles with a minimum seating capacity of twelve (12) passengers.

Item (II) is restricted:

- (A) Against providing transportation service to or from Denver International Airport, Denver, Colorado; and

- (B) To the use of vehicles with a minimum seating capacity of no less than fifteen (15) passengers.

Notice at 3.

12. On April 23, 2014, Applicant filed a Motion to Amend the Application (Motion to Amend). By the Motion to Amend, Applicant seeks authority to operate as a common carrier by motor vehicle for hire to provide:

- I. Transportation of passengers in call-and-demand shuttle and charter service between all points in the Counties of Adams, Arapahoe, Denver, Douglas, and Jefferson, State of Colorado, on the one hand, and all points in the Counties of Clear Creek, Eagle, Grand, and Summit, State of Colorado, on the other hand; and
- II. Transportation of passengers in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Denver, and Douglas, State of Colorado, on the one hand, and 18300 West Alameda Parkway, Red Rocks Park and Amphitheater, Morrison, Colorado, on the other hand.

RESTRICTIONS:

Item (I) is restricted:

- (A) Against providing transportation service to or from Denver International Airport, Denver, Colorado;
- (B) Against originating or terminating transportation service at points within the area in downtown Denver defined as follows: beginning at the intersection of 15th Street and Blake Street, then northeast along Blake Street to 18th Street; then southeast along 18th Street to Broadway; then south along Broadway to Colfax Avenue; then west along Colfax Avenue to 15th Street; then northwest along 15th Street to the point of beginning;
- (C) Against originating or terminating transportation service at points within a [one] and one-half mile radius of the Denver West Marriott, 1717 Denver West Marriott Boulevard, Golden, Colorado; and
- (D) To the use of vehicles with a minimum seating capacity of twelve (12) passengers.

Item (II) is restricted:

- (A) Against providing transportation service to or from Denver International Airport, Denver, Colorado; and
- (B) To the use of vehicles with a minimum seating capacity of no less than fifteen (15) passengers.

Exhibit 2 to the Motion to Amend at 1.

13. Response time to the Motion to Amend has expired, and no response was filed. In addition, at the prehearing conference, Colorado Cab, Metro Taxi, and SuperShuttle did not oppose the relief sought in the Motion to Amend.

14. The ALJ finds that the Motion to Amend states good cause and proposes a restrictive amendment. The ALJ finds that granting the Motion to Amend will not prejudice any party. In accordance with Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1309(a),³ the ALJ will grant the Motion to Amend. The scope of the authority sought in this Proceeding is amended as set out above.

15. Unless the context indicates otherwise, reference in this Interim Decision to the Application is to the February 26, 2014 filing as clarified, as supplemented on February 26, 2014, and as amended by this Interim Decision.

B. Interventions.

16. As noted above, Colorado Cab, Metro Taxi, and SuperShuttle filed interventions in this Proceeding. Applicant opposed each intervention. At the prehearing conference, the ALJ heard argument on the interventions and opposition.

³ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

1. Metro Taxi.

17. On March 31, 2014, Metro Taxi timely filed (in one document) its Entry of Appearance and Intervention by Right in Opposition to the Permanent Authority Application or Alternate Motion to Permissively Intervene (Metro Taxi March 31 Filing). By that filing, Metro Taxi opposes the Application.

18. On April 21, 2014, Applicant filed its Response to the Metro Taxi March 31 Filing. On April 22, 2014, Applicant filed its First Amended Response to the Metro Taxi March 31 Filing. In the filing, Applicant opposes Metro Taxi's intervention in this Proceeding.

19. In support of its position that it is an intervenor as of right, Metro Taxi states: (a) it holds a Certificate of Public Convenience and Necessity (CPCN) to provide taxicab service; (b) it actively operates its CPCN; and (c) the geographic area that Applicant seeks to serve duplicates and overlaps the geographic area that Metro Taxi is authorized to service. *See generally* Metro Taxi March 31 Filing at ¶¶ 2-5. Metro Taxi relies on *Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc., v. Public Utilities Commission of the State of Colorado*, 869 P.2d 545 (Colo. 1994) (*Yellow Cab*), as authority that supports its intervention as of right pursuant to Rule 4 CCR 723-1-1401(a).

20. In its opposition to Metro Taxi's intervention as of right, Ski Bus acknowledges the duplication or overlap in the geographic scope of the Application and Metro Taxi's CPCN. Ski Bus states that there is a significant difference between the authority sought in the Application (*i.e.*, call-and-demand shuttle and charter service) and the taxicab service that

Metro Taxi is authorized to provide and that this difference warrants denial of intervention.

Ski Bus relies on Decision No. C97-0553,⁴ in which the Commission found that

Yellow Cab ... does not stand for the proposition that every motor carrier has standing to intervene in every application filed by another carrier or potential carrier. ... Due to the differences between taxi authority (e.g., call-and-demand, exclusive use of the vehicle, and right to designate routes and stops) and scheduled authority (e.g., non-exclusive use of the vehicle, no right to designate routes and stops, rate is a per person tariff), the denial of intervention to Emerald because it only held a taxi authority was proper.

Decision No. C97-0553 at 2 (internal citation omitted). In addition, Ski Bus notes that Metro Taxi is restricted to the use of vehicles with a seating capacity of eight or fewer, including the driver, whereas the authority sought by Applicant includes a restriction that precludes Applicant from using vehicles with a seating capacity of not fewer than 12 passengers (Item (I) Restriction (D)) and a restriction that precludes Applicant from using vehicles with a seating capacity of not fewer than 15 passengers (Item (II) Restriction (B)). Ski Bus concludes that there is no duplication of authority and, thus, no basis for Metro Taxi's intervention as of right.

21. The ALJ finds the Ski Bus arguments to be persuasive. The ALJ finds that, on the facts of this case, there is no duplication or overlapping of authority sufficient to support granting Metro Taxi's intervention as of right.

22. The Metro Taxi March 31 Filing also contains an Alternative Motion to Permissively Intervene. In support of that motion, Metro Taxi states: (a) it holds a CPCN to provide taxicab service; (b) the geographic scope of the authority sought by Applicant duplicates and overlaps with the geographic of Metro Taxi's existing CPCN; (c) Metro Taxi actively

⁴ This Commission Decision was issued on May 29, 1997 in Proceeding No. 96A-453CP, *In the Matter of the Application of Charles W. and Susan A. Anfield, DBA Estes Park Taxicab, P.O. Box 4373, Estes Park, CO 80517, for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire.*

operates its CPCN; (d) extending the scope of Ski Bus's existing CPCN may have a substantial and adverse effect on Metro Taxi's pecuniary interests or tangible interests (or both) -- and the public interest -- by diverting revenue and passengers that Metro Taxi needs in order to continue to provide efficient service to the public under its CPCN; and (e) no other party will adequately represent Metro Taxi's interests. *See generally* Metro Taxi March 31 Filing at ¶¶ 2-5.

23. Applicant acknowledges the duplication or overlap in the geographic scope of the Application and Metro Taxi's CPCN and, nonetheless, opposes the Metro Taxi motion to intervene by permission. Ski Bus argues that, for the reasons stated above (*i.e.*, difference in the types of service and in the maximum and minimum number of passengers), "Metro [Taxi] is unable, under CPCN No. 55822, to serve the market that [Ski Bus] wishes to serve." First Amended Response to the Metro Taxi March 31 Filing at ¶ 15. Ski Bus asserts that Metro Taxi's interest is purely speculative and that Rule 4 CCR 723-1-1401(c) provides that purely speculative interest is an insufficient basis on which to intervene by permission. *Id.* at ¶ 16. Ski Bus argues that Metro Taxi has not met its burden with respect to intervention by permission and that the alternative motion should be denied.

24. Whether to grant an intervention by permission rests in the sound discretion of the ALJ. In deciding a motion to intervene by permission, the ALJ must take into consideration the factors enumerated in Rule 4 CCR 723-1-1401(c). The ALJ has done so here.

25. The ALJ finds that Metro Taxi has met the burden to establish that it has a sufficient interest in the subject of this Proceeding to intervene by permission. Metro Taxi has established that the authority sought in the Application may affect Metro Taxi's pecuniary interests or tangible interests (or both) substantially; has established that Metro Taxi is the only party that will adequately represent its interests; and, in doing so, has demonstrated that its

interest in this Proceeding is more than subjective, policy, or academic. In addition, the ALJ notes that granting Metro Taxi leave to intervene will not broaden the issues in this Proceeding. The ALJ will grant the Metro Taxi Alternative Motion to Permissively Intervene and will permit Metro Taxi to intervene in this Proceeding.

2. Colorado Cab.

26. On April 9, 2014, Colorado Cab timely filed (in one document) its Entry of Appearance and Notice of Intervention by Right, Alternative Motion for Permissive Intervention, Opposition to Application, and Request for Hearing (Colorado Cab April 9 Filing). By that filing, Colorado Cab opposes the Application and requests a hearing in this matter.

27. On April 23, 2014, Applicant filed its Response to the Colorado Cab April 9 Filing. In that filing, Applicant opposes Colorado Cab's intervention in this Proceeding.

28. In support of its position that it is an intervenor as of right, Colorado Cab states: (a) it holds a CPCN to provide taxicab service; (b) it actively operates its CPCN; and (c) the geographic area that Applicant seeks to serve overlaps the geographic area that Colorado Cab is authorized to service. *See generally* Colorado Cab April 9 Filing at ¶¶ 4-5. During the oral argument, Colorado Cab stated that it relies on *Yellow Cab* as authority that supports its intervention as of right pursuant to Rule 4 CCR 723-1-1401(a).

29. Ski Bus acknowledges the overlap in the geographic scope of the Application and Colorado Cab's CPCN. In its opposition to Colorado Cab's intervention as of right, Ski Bus makes the same arguments as those set out above with respect to Metro Taxi. Ski Bus argues that there is no basis for Colorado Cab's intervention as of right.

30. The ALJ finds the Ski Bus arguments to be persuasive. The ALJ finds that, on the facts of this case, there is no overlapping of authority sufficient to support granting Colorado Cab's intervention as of right.

31. The Colorado Cab April 9 Filing also contains an Alternative Motion for Permissive Intervention. In support of that motion, Colorado Cab states: (a) it holds a CPCN to provide taxicab service; (b) the geographic scope of the authority sought by Applicant overlaps with the geographic of Colorado Cab's existing CPCN; (c) Colorado Cab actively operates its CPCN; (d) extending the scope of Ski Bus's existing CPCN may have a substantial and adverse effect on Colorado Cab's pecuniary interests or tangible interests (or both) by diverting revenue and passengers that Colorado Cab needs in order to continue to provide efficient service under its CPCN; and (e) no other party will adequately represent Colorado Cab's interests. *See generally* Colorado Cab April 9 Filing at ¶ 6.

32. Applicant acknowledges the overlap in the geographic scope of the Application and Colorado Cab's CPCN and, nonetheless, opposes the Colorado Cab motion for leave to intervene. Ski Bus argues that, for the reasons stated above (*i.e.*, difference in the types of service and in the maximum and minimum number of passengers), it is "in an entirely different market" because Colorado Cab "operates Taxicabs, not shuttle buses." Response to the Colorado Cab April 9 Filing at ¶ 23. Ski Bus asserts that Colorado Cab's interest is purely speculative and that Rule 4 CCR 723-1-1401(c) provides that purely speculative interest is an insufficient basis on which to intervene by permission. *Id.* at ¶ 24. Ski Bus argues that Colorado Cab has not met its burden with respect to intervention by permission and that the alternative motion should be denied.

33. Whether to grant an intervention by permission rests in the sound discretion of the ALJ. In deciding a motion for leave to intervene by permission, the ALJ must take into consideration the factors enumerated in Rule 4 CCR 723-1-1401(c). The ALJ has done so here.

34. The ALJ finds that Colorado Cab has met the burden to establish that it has a sufficient interest in the subject of this Proceeding to intervene by permission. Colorado Cab has established that the authority sought in the Application may affect Colorado Cab's pecuniary interests or tangible interests (or both) substantially; has established that Colorado Cab is the only party that will adequately represent its interests; and, in doing so, has demonstrated that its interest in this Proceeding is more than subjective, policy, or academic. In addition, the ALJ notes that granting Colorado Cab leave to intervene will not broaden the issues in this Proceeding. The ALJ will grant the Colorado Cab Alternative Motion for Permissive Intervention and will permit Colorado Cab to intervene in this Proceeding.

3. SuperShuttle.

35. On April 9, 2014, SuperShuttle timely filed (in one document) its Entry of Appearance and Notice of Intervention by Right, Alternative Motion for Permissive Intervention, Opposition to Application, and Request for Hearing (SuperShuttle April 9 Filing). By that filing, SuperShuttle opposes the Application and requests a hearing in this matter.

36. On April 23, 2014, Applicant filed its Response to the SuperShuttle April 9 Filing. In that filing, Applicant opposes SuperShuttle's intervention in this Proceeding.

37. During the May 9, 2014 prehearing conference, SuperShuttle acknowledged that the Application does not seek authority that overlaps SuperShuttle's authority because: (a) the authority that Ski Bus seeks is restricted against transportation that originates or terminates at Denver International Airport (DIA); and (b) as a result of the amendment,

Ski Bus no longer seeks authority to provide transportation of passengers in charter service. SuperShuttle stated that there is no basis for SuperShuttle's intervention as of right, and the ALJ so finds.

38. As a result, the Alternative Motion for Permissive Intervention is the sole basis for SuperShuttle's intervention in this Proceeding. In support of that motion, SuperShuttle states: (a) it holds a CPCN "to provide call and demand limousine service between all points in Adams, Arapahoe, Denver, Douglas and Jefferson Counties, on the one hand, and Denver International Airport ('DIA'), on the other hand, among other authorities" (SuperShuttle April 9 Filing at ¶ 3); (b) the geographic scope of the authority sought by Applicant overlaps with the geographic scope of SuperShuttle's existing CPCN; (c) SuperShuttle actively operates its CPCN; (d) extending the scope of Ski Bus's existing CPCN may have a substantial and adverse effect on SuperShuttle's pecuniary interests or tangible interests (or both) by diverting revenue and passengers that SuperShuttle needs in order to continue to provide efficient service under its CPCN; and (e) no other party will adequately represent SuperShuttle's interests. *See generally* SuperShuttle April 9 Filing at ¶ 6.

39. Applicant opposes the SuperShuttle motion for leave to intervene because the Application specifically precludes Applicant from providing transportation that originates or terminates at DIA. Response to the SuperShuttle April 9 Filing at ¶¶ 7-8. Ski Bus asserts that its Application seeks no authority that overlaps or duplicates SuperShuttle's CPCN, that SuperShuttle's interest is purely speculative, and that Rule 4 CCR 723-1-1401(c) provides that purely speculative interest is an insufficient basis on which to intervene by permission. *Id.* at ¶ 24. Ski Bus argues that SuperShuttle has not met its burden with respect to intervention by permission and that the alternative motion should be denied.

40. Whether to grant an intervention by permission rests in the sound discretion of the ALJ. In deciding a motion to intervene by permission, the ALJ must take into consideration the factors enumerated in Rule 4 CCR 723-1-1401(c). The ALJ has done so here.

41. The ALJ finds that SuperShuttle has not met the burden to establish that it has a sufficient interest in the subject of this Proceeding to intervene by permission. Based on the information provided, SuperShuttle failed to establish that the authority sought in the Application may affect SuperShuttle's pecuniary interests or tangible interests (or both) substantially. The ALJ will deny the SuperShuttle Alternative Motion for Permissive Intervention.

42. The ruling that denies SuperShuttle's intervention ends SuperShuttle's participation in this Proceeding. Rule 4 CCR 723-1-1502(b) permits SuperShuttle to challenge this ruling by filing exceptions to the recommended decision issued in this Proceeding, when a recommended decision is issued. If SuperShuttle must wait until issuance of a recommended decision to seek Commission review of the ruling that denies SuperShuttle's intervention, if SuperShuttle files exceptions based on the denial of intervention, and if the Commission reverses the ruling that denies SuperShuttle's intervention, this process may result in the Commission's vacating the recommended decision and requiring additional proceedings before the ALJ. This result would be inefficient administratively and would be resource-consuming for the Commission and for the Parties.

43. The ALJ finds that the better and more efficient approach is to certify, as immediately appealable pursuant to Rule 4 CCR 723-1-1502(d), the ruling in this Interim Decision that denies SuperShuttle's intervention in this Proceeding. Consequently, the ALJ will certify the ruling that denies SuperShuttle's intervention as immediately appealable to the Commission pursuant to Rule 4 CCR 723-1-1502(d). The ALJ will order the following

schedule: (a) not later than **May 28, 2014**, SuperShuttle will file its Motion Contesting Interim Decision No. R14-0508-I; and (b) not later than **June 6, 2014**, a party will file its response to the SuperShuttle Motion. **SuperShuttle is advised, and is on notice, that:** (a) failure to file its Motion Contesting Interim Decision No. R14-0508-I will be deemed to be acquiescence in the ruling that denied SuperShuttle's intervention in this Proceeding; and (b) this is the only opportunity that SuperShuttle will have to contest the ruling that denied SuperShuttle's intervention in this Proceeding.

44. Colorado Cab and Metro Taxi, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties. Each party is represented by legal counsel.

C. Evidentiary Hearing and Procedural Schedule.

45. At the prehearing conference, the Parties agreed to a procedural schedule for this Proceeding. The ALJ finds the procedural schedule to be satisfactory as it permits the Commission to issue its decision in this matter by November 12, 2014. The ALJ will adopt the following procedural schedule: (a) not later than **July 14, 2014**, Applicant will file its list of witnesses and complete copies of the exhibits it will offer in its direct case; (b) not later than **July 21, 2014**, each intervenor will file its list of witnesses and complete copies of the exhibits it will offer in its case; (c) not later than **July 30, 2014**, each party will file prehearing motions, including dispositive motions;⁵ (d) not later than **noon on August 4, 2014**, the Parties will file any stipulation or settlement agreement reached; (e) the evidentiary hearing will be held on **August 6, 2014**; and (f) not later than **August 13, 2014**, each party will file its written Statement of Position, to which (absent further order) no response will be permitted.

⁵ As a preliminary matter at the hearing, the ALJ will hear argument on any pending prehearing motion.

46. The ALJ will not order a date certain for filing corrected lists of witnesses and complete copies of corrected exhibits. The ALJ expects that a party which finds it necessary to correct its list of witnesses or its exhibits will inform the ALJ and the other parties as soon as practicable (but not later than two business days) after the party discovers the need to make a correction.

47. **The Parties are advised, and are on notice, that** each witness who will be called to testify (except a witness called in Applicant's rebuttal case) must be identified on the list of witnesses that ¶ 45 requires each party to file. In the list of witnesses, the following information must be provided for each listed witness: (a) the name of the witness; (b) the address of the witness; (c) the business telephone number or daytime telephone number of the witness; and (d) a detailed summary of the testimony that the witness is expected to give.

48. **The Parties are advised, and are on notice, that** no person will be permitted to testify on behalf of a party (except in Applicant's rebuttal case) unless the person is identified on the list of witnesses filed in accordance with ¶¶ 45 and 47 of this Interim Decision.

49. **The Parties are advised, and are on notice, that** complete copies of all exhibits (except an exhibit offered in Applicant's rebuttal case or to be used in cross-examination) must be filed as required by ¶ 45 of this Interim Decision.

50. **The Parties are advised, and are on notice, that** no document -- *including the Application and its supporting documents* -- will be admitted into evidence (except in Applicant's rebuttal case or when used in cross-examination) unless that document is filed in accordance with ¶¶ 45 and 49 of this Interim Decision.

51. **The Parties are advised, and are on notice, that** each document that is offered as an exhibit and that has more than one page must contain page numbers that are consecutive from the first page of the document to the last page of the document.

52. **The Parties are advised, and are on notice, that** hearing exhibits will be marked numerically and sequentially, beginning with the number 1, irrespective of the sponsoring party.

D. Discovery.

53. Except as modified by this Interim Decision, Rule 4 CCR 723-1-1405 will govern discovery in this Proceeding.

54. Discovery served after 3:00 p.m. Mountain Time on a Friday will be deemed served on the next business day.

55. Subject to Rules 4 CCR 723-1-1100 and 723-1-1101, the requesting party will serve its discovery requests on the party to which the discovery is directed and will serve copies of its discovery requests on all other parties. Subject to Rules 4 CCR 723-1-1100 and 723-1-1101, the responding party will serve all discovery responses on all other parties.

56. Motions pertaining to discovery may be filed at any time.⁶ Unless otherwise ordered, responses to motions pertaining to discovery must be written and must be filed within *three business days of service of the motion.*⁷ If necessary, the ALJ will hold a hearing on a discovery-related motion as soon as practicable after the motion is filed.

E. Advisements.

57. Rules 4 CCR 723-1-1100 and 723-1-1101 will govern the treatment of information claimed to be confidential.

⁶ The prefiling procedures contained in Rule 4 CCR 723-1-1405 apply.

⁷ By this Interim Decision, the ALJ will shorten response time to motions pertaining to discovery.

58. **The Parties are advised, and are on notice, that** it is the responsibility of each party to have, at the evidentiary hearing, a sufficient number of copies of each document that the party wishes to offer as an exhibit.⁸ **The Parties are advised, and are on notice, that** the fact that exhibits are prefiled in accordance with this Interim Decision does *not* alter the requirement set out in this paragraph.

59. The Parties are reminded that, in previous Interim Decisions, the ALJ advised the Parties that the ALJ will hold the Parties to the requirements of the Rules of Practice and Procedure, Part 1 of 4 CCR 723.

II. ORDER

A. **It Is Ordered That:**

1. The Motion to Amend the Application, which motion was filed on April 23, 2014 by Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus, is granted.

2. The scope of the authority sought by Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus, is amended. Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus, seeks authority to operate as a common carrier by motor vehicle for hire to provide:

I. Transportation of
passengers in call-and-demand shuttle and charter service

between all points in the Counties of Adams, Arapahoe, Denver, Douglas, and Jefferson, State of Colorado, on the one hand, and all points in the Counties of Clear Creek, Eagle, Grand, and Summit, State of Colorado, on the other hand; and

⁸ This means that, at the hearing, a party must have a sufficient number of copies of each document to provide: one to be marked and retained by the Commission as the hearing exhibit; one to be given to the opposing parties; one to be given to the ALJ; and one to be retained by the party offering the exhibit.

II. Transportation of passengers in call-and-demand shuttle service

between all points in the Counties of Adams, Arapahoe, Denver, and Douglas, State of Colorado, on the one hand, and 18300 West Alameda Parkway, Red Rocks Park and Amphitheater, Morrison, Colorado, on the other hand.

RESTRICTIONS:

Item (I) is restricted:

- (A) Against providing transportation service to or from Denver International Airport, Denver, Colorado;
- (B) Against originating or terminating transportation service at points within the area in downtown Denver defined as follows: beginning at the intersection of 15th Street and Blake Street, then northeast along Blake Street to 18th Street; then southeast along 18th Street to Broadway; then south along Broadway to Colfax Avenue; then west along Colfax Avenue to 15th Street; then northwest along 15th Street to the point of beginning;
- (C) Against originating or terminating transportation service at points within a [one] and one-half mile radius of the Denver West Marriott, 1717 Denver West Marriott Boulevard, Golden, Colorado; and
- (D) To the use of vehicles with a minimum seating capacity of twelve (12) passengers.

Item (II) is restricted:

- (A) Against providing transportation service to or from Denver International Airport, Denver, Colorado; and
- (B) To the use of vehicles with a minimum seating capacity of no less than fifteen (15) passengers.

3. The Alternative Motion for Permissive Intervention filed on April 9, 2014 by Colorado Cab Company, LLC, doing business as Denver Yellow Cab, is granted.

4. Colorado Cab Company, LLC, doing business as Denver Yellow Cab, is an intervenor and a party in this Proceeding.

5. The Alternative Motion to Permissively Intervene filed on March 31, 2014 by MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi and/or Northwest Suburban Taxi, is granted.

6. MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi and/or Northwest Suburban Taxi, is an intervenor and a party in this Proceeding.

7. The Notice of Intervention by Right and Alternative Motion for Permissive Intervention filed on April 9, 2014 by SuperShuttle International Denver, Inc., is denied.

8. The ruling contained in Ordering Paragraph No. 7 is certified as immediately appealable to the Commission pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1502(d).

9. The following schedule is adopted with respect to the certification in Ordering Paragraph No. 8: (a) not later than May 28, 2014, SuperShuttle International Denver, Inc., shall file its Motion Contesting Interim Decision No. R14-0508-I; and (b) not later than June 6, 2014, any other party shall file its response to the Motion Contesting Interim Decision No. R14-0508-I.

10. Failure of SuperShuttle International Denver, Inc., to file its Motion Contesting Interim Decision No. R14-0508-I as required by Ordering Paragraph No. 9 shall be deemed to be acquiescence in the ruling contained in Ordering Paragraph No. 7.

11. The evidentiary hearing in this matter shall be held on the following date, at the following time, and in the following location:

DATE: August 6, 2014
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

12. The following procedural schedule is adopted: (a) not later than July 14, 2014, Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus, shall file its list of witnesses and complete copies of the exhibits it will offer in its direct case; (b) not later than July 21, 2014, each intervenor shall file its list of witnesses and complete copies of the exhibits it will offer in its case; (c) not later than July 30, 2014, each party shall file prehearing motions; (d) not later than noon on August 4, 2014, the Parties shall file any stipulation or settlement agreement reached; and (e) not later than August 13, 2014, each party shall file its written Statement of Position, to which (absent further order) no response will be permitted.

13. No person shall testify on behalf of a party (except in Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus's rebuttal case) unless the person is identified on the list of witnesses filed in accordance with this Interim Decision.

14. No document shall be admitted into evidence (except in Green Mountain Ski Bus, Inc., doing business as Front Range Ski Bus's rebuttal case or when used in cross-examination) unless that document is filed in accordance with this Interim Decision.

15. Except as modified by this Interim Decision, Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery.

16. Discovery served after 3:00 p.m. Mountain Time on a Friday is deemed served on the next business day.

17. Subject to Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101, the requesting party will serve its discovery requests on the party to which the discovery is directed and will serve copies of its discovery requests on all other parties.

18. Subject to Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101, all discovery responses shall be served on all parties.

19. Response time to a discovery-related motion is shortened to three business days from the date of service of the motion.

20. Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern the treatment of information claimed to be confidential.

21. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

22. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director