

Decision No. R14-0849-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0355CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MOUNTAIN CONCIERGE, LLC TO
EXTEND OPERATIONS UNDER 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
REQUIRING SAN MIGUEL AND
DURANGO TAXI TO MAKE SHOW CAUSE FILING**

Mailed Date: July 18, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. Mountainside Concierge LLC, (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire with the Colorado Public Utilities Commission.

3. San Miguel Mountain Ventures, LLC, doing business as Telluride Express, Montrose Express and Wild West Tours (San Miguel), and Durango Taxi, LLC (Durango Taxi) timely intervened of right in objection to the authority sought.

4. In anticipation of the hearing, the undersigned Administrative Law Judge (ALJ) scheduled a telephone prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. Decision No. R14-0747-I issued July 2, 2014.

5. The ALJ also ordered all parties to either have counsel enter an appearance or make a filing showing cause why they are not required to be represented by counsel, by 5:00 p.m. on July 14, 2014. Decision No. R14-0738-I issued July 1, 2014.

6. Applicant's counsel entered an appearance by the deadline set by Decision No. R14-0738-I.

7. Durango Taxi made a show cause filing by the deadline set by Decision No. R14-0738-I.

8. San Miguel made a show cause filing after the expiration of the deadline set by Decision No. R14-0738-I, but before the time of the prehearing conference on July 15, 2014.

9. The prehearing conference was convened as noticed. All parties appeared. In particular, Mr. Anthony Edwards Esq., appeared on behalf of Applicant; Mr. Milton Williams (a non-attorney) appeared on behalf of Durango Taxi; and Mr. Mark Rovito (a non-attorney), appeared on behalf of San Miguel.

10. During the prehearing conference, the ALJ informed Durango Taxi and San Miguel of deficiencies with their show cause filings and required that they make new show cause filings addressing the identified deficiencies by 5:00 p.m. on July 22, 2014.

11. As to Durango Taxi, the ALJ explained during the prehearing conference that its show cause filing is deficient because: it does not state a factual basis for its assertion that less than \$15,000 are in controversy, nor does it provide enough information for the ALJ to conclude that the designated representative for Durango Taxi is authorized to represent it in this proceeding. For example, it does not affirmatively state that the designated representative is an owner or officer of the company.

12. Likewise, the ALJ explained to San Miguel during the prehearing conference that its show cause filing is deficient because: it does not state a factual basis for its assertion that less than \$15,000 are in controversy, nor does it provide enough information for the ALJ to conclude that the designated representative for San Miguel is authorized to represent it in this proceeding. For example, it does not state that the designated representative is an owner or officer of the company.

13. In addition, both show cause filings should be signed under oath (*e.g.*, before a notary public).

14. San Miguel and Durango Taxi will be ordered to make show cause filings that address the deficiencies identified above, and that comply with Decision No. R14-0738-I. The ALJ will not rule upon San Miguel and Durango Taxi's requests to be represented by non-attorneys until the expiration of the deadline to make the additional show cause filings.

15. During the prehearing conference, the ALJ warned San Miguel and Durango Taxi that failure to make the show cause filing as required herein may result in a decision striking their interventions and dismissing them as parties to this proceeding. They are again reminded of this.

II. ORDER

A. It Is Ordered That:

1. On or by 5:00 p.m. on July 22, 2014, San Miguel Mountain Ventures, LLC, doing business as Telluride Express, Montrose Express and Wild West Tours, and Durango Taxi, LLC shall make show cause filings that address the deficiencies identified by ¶¶ 11 to 13 above, and that comply with Decision No. R14-0738-I.

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

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

Doug Dean,
Director