

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
ESTABLISHING DEADLINES AND
SCHEDULING HEARINGS**

Mailed Date: January 28, 2020

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

A. Background and Findings.

1. Only the relevant portion of the procedural history is included. By Decision No. R20-0030-I, the Administrative Law Judge (ALJ) scheduled this matter for a telephonic prehearing conference for January 28, 2020 at 10:00 a.m. to establish a procedural schedule and set an evidentiary hearing on Strawberry Park Hot Springs Shuttle LLC, doing business as Steamboat Strawberry Park (Strawberry Park) in the above-captioned Application.

2. On January 28, 2020, the ALJ held the prehearing conference as noticed. All parties appeared by telephone. During the hearing, the ALJ established deadlines to file and exchange witness and exhibit lists and exhibits, scheduled an evidentiary hearing, and scheduled a telephone status conference. That information is detailed in the ordering paragraphs below.

B. Advisements.

3. *Strawberry Park is on notice that* failure to appear at the evidentiary hearing or status conference may result in dismissal of the Application for failing to pursue or prosecute it.

4. *Intervenors Hot Springs Shuttle LLC and Sweat Pea Tours SBS Inc. are on notice that the ALJ will deem their failure to appear at the evidentiary hearing or status conference as abandoning or withdrawing that party's intervention in this proceeding.*

5. *The parties are on notice that filing an exhibit with the Commission does not, by itself, admit an exhibit into the record of the proceeding. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.*

6. All parties must be familiar with and follow the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723 Part 1, which applies to this matter. In addition, the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723 Part 6, also apply to this matter. The parties obtain a copy of these rules from the Commission in hard copy or on the Commission's web-site at:

<https://www.colorado.gov/pacific/dora/pucrules>

7. The ALJ is entering additional orders necessary to ensure the evidentiary hearing moves forward efficiently.

II. ORDER

A. It Is Ordered That:

1. A telephonic status conference is scheduled as follows:

DATE: May 5, 2020
TIME: 9:00 a.m.
LOCATION: Call (303) 869-0599
Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. An evidentiary hearing on the merits of the Application for Permanent Authority to Operate as a Common Carrier by Motor Vehicle for Hire in this proceeding is scheduled as follows:

DATE: May 7, 2020
TIME: 9:00 a.m.
LOCATION: Routt County Combined Court
1955 Shield Drive
Steamboat Springs, Colorado 80487

3. **Deadlines for Witness Lists, Exhibit Lists and Exhibits.** Strawberry Park Hot Springs Shuttle LLC (Strawberry Park) must file with the Commission and serve on all parties its pre-marked exhibits, witness lists and exhibit lists **by the close of business on April 16, 2020.** The Interveners must file with the Commission and serve on all parties their pre-marked exhibits, witness lists, and exhibit lists **by the close of business on April 23, 2020.**

4. **Requirements for Witness Lists.** Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information.

5. **Requirements for Exhibit Lists.** Exhibit lists must include the hearing exhibit number assigned to each exhibit and a brief description of the exhibit. Any party may offer any exhibit sponsored by another party and is not required to include such an exhibit on their own exhibit list.

6. **Requirements for Exhibits.**

a. **Assigned Hearing Exhibit Numbers & Pre-Marking Exhibits.**

Strawberry Park is assigned hearing exhibit numbers 1 through 99; Hot Springs Shuttle LLC is assigned hearing exhibit numbers 100 through 199; and Sweet Pea Tours SBS, Inc. is assigned hearing exhibit numbers 200

through 299. For example, Strawberry Park should pre-mark its first exhibit as “Hearing Exhibit 1.” The parties must pre-mark the original, and all copies of their hearing exhibits before the evidentiary hearing is scheduled to begin with a hearing exhibit number, consistent with the parties’ assigned exhibit number blocks (listed above).

- b. **Page Numbering Exhibits.** The parties must sequentially page-number each page of any hearing exhibit that is longer than two pages. The parties must number the first page of hearing exhibits as page one, regardless of content.
- c. **Copies of Exhibits.** At the May 7, 2020 hearing, the parties must bring an original and four copies of each exhibit they intend to introduce at the hearing (for a total of five), with each copy (and the original) pre-marked with a hearing exhibit number. The original will be the official hearing exhibit for the record; one copy is for the Administrative Law Judge; one copy is for the witness stand; and the remaining two copies are for the other parties in this proceeding.

7. 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