

IN THE MATTER OF THE APPLICATION OF)
TIPSY VELO, LLC. D/B/A TIPSY VOYAGE,)
820 CABERNET COURT, PALISADE, CO 81526)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Docket No. 22A-0335CP

**FIRST SET OF DISCOVERY FROM APPLICANT
TIPSY VELO, LLC, D/B/A TIPSY VOYAGE**

Comes now, the Applicant, Topsy Velo, LLC d/b/a Topsy Voyage (hereafter "Voyage" or "Applicant") by and through counsel, and pursuant to Rules 6(a), 33, 34, and 36 of the Colorado Rules of Civil Procedure, and Rule 1405 of the Rules of Practice and Procedure of the Colorado Public Utilities Commission, and hereby requests that Intervenor, Pali-Tours, LTD (hereafter "Pali" or "Intervenor") answer the following set of interrogatories under Oath, produce the requested documents, and admit to the following, under Oath, within **10** days of the date that this request is served.

I. Definitions.

1. The words "you" and "your" refer to the party to whom these interrogatories are directed, as set forth above.
2. The word "person" refers to natural persons, corporations, partnerships, firms and other associations separately identifiable.
3. When applied to a natural person who is a driver for you, the word "identify" requests the name, address, driving record, the type of driver's license the person has, and any restrictions on said license.
4. When applied to all other natural persons, the word "identify" requests the name and the current address if known, or else the last known address of the person, the telephone number of the person, and the general nature of the occupation of the person.

5. When applied to a "document", or "communication", the word "identify" requests a description of the subject matter of the document or communication, its title, the date, or if the specific date is unknown, the best approximation of the date, its file and/or identifying symbol, its author, its current location and who currently has custody of it. In lieu of providing the foregoing information, a copy of the document or communication may be submitted with your answers to these interrogatories.
6. When applied to a vehicle, the term "identify" requests the make and model of the vehicle, the seating capacity of the vehicle, the "VIN" of the vehicle, the current mileage, license plate number, PUC stamp number and the service records of the vehicle.
7. When applied to "transportation service" the term "identify" requests a description of the transportation service, the geographical location where the transportation service is or will be provided, and the PUC number under which said transportation service is or will be provided.
8. The use of the words "reason" or "reasons" means that you are to provide a statement in explanation or justification of the assertion or position taken, or state a rational ground or motive for such assertion or position, or provide a ground of explanation or of logical defense for such assertion or position.
9. The term "possession" is used in a comprehensive sense, and refers to possession, custody or control by any one or combination of persons, corporations or other businesses controlled by such persons, and the officers, employees, representatives, agents of, or for, such parties, or such business entities, and unless privileged, counsel for such parties.
10. The word "records" is used in a comprehensive sense, and includes the original, drafts, copies, and other tangible evidence of any written, reproduced, electronically recorded or graphic matter, including, by way of illustration and not by way of limitation, emails, text messages, notes, charter orders, dispatch logs, trip tickets, trip sheets, driver logs, log books, billing records, reservation requests, photographs, on-line reviews, records of phone calls, as well as anything used in the preparation of, any of the foregoing, in your possession, custody or control, or in the possession, custody or control of your agents, employees, or attorneys.

11. If documents are requested, you are under a continuing duty to provide documents which are in your possession, or obtainable by you upon your request, direction, or order. Such documents include "records". Such documents include those under the care, custody and/or control of your agents or attorneys.
12. The term "communicate" (in all its variations including but not limited to "communications") is global in scope and includes all forms of passing information from one to another. Examples of such include, by way of illustration but not by way of limitation, cards, letters, notes, e-mails, text messages or other electronic transmission, faxes, and any written material, telephone calls, voice over internet, voice mail, other oral communication, and any type of meeting.
13. If you or your attorney(s) are confused by, or do not understand any of the following requests or any part thereof, or if you believe such request to be ambiguous, or irrelevant, or if you believe such request to contain errors, your attorney is requested to contact the undersigned to clarify such meaning or relevancy in good faith, rather than refusing to answer the request or objecting thereto.

II. Instructions:

1. Your attention is drawn to the continuing duty to supplement responses in accordance with the provisions of Rule 26(e) of the Colorado Rules of Civil Procedure.
2. Please submit your responses to these interrogatories, requests for production, and requests for admissions, **under oath**, together with all documentation requested in this discovery, within 10 days of date of service, at the Law Office of Richard J. Bara, located at Suite 105, 7828 Vance Drive, Arvada, CO 80003.
3. Identify the person or persons specifically answering each of these interrogatories, producing each of the requested documents, and making each admission as the case may be.
4. If documents are to be produced in lieu of answers to these Interrogatories, please specify in the particular answer what documents are being submitted in lieu of an answer.
5. In answering these interrogatories, please furnish all information as

is available to you, regardless of whether this information is obtained by you, through your agents, representatives, or by your attorney.

6. If you are unable to answer the interrogatory in full, please answer the interrogatory to the extent possible and specify the reasons for your inability to answer the rest of the interrogatory and, who would be able to answer the interrogatory in full.
7. If you are unable to produce the documents requested in full, because any or all of said documents are not in your possession, produce the documents to the extent that they are in your possession and identify who has possession of the remainder of the documents, and how the documents can be obtained.
8. In response to each interrogatory, request for production, and request for admissions, please repeat each interrogatory, request for production, and request for admissions, as the case may be, and then indicate your response.

INTERROGATORIES:

I-1. Please identify, as the term identify is defined above, the person or persons designated to respond to each request in this discovery.

I-2. Please identify, as the term “identify” is defined in Definition No. 6 above, each vehicle you have used to provide transportation services in the past six months.

I-3. Please identify, as the term “identify” is defined in Definition No. 3 above, each driver you have used to provide transportation services in the past six months.

I-4. Please provide a detailed description of the route of each tour you provided in the past six months from passenger pick-up to passenger disembark.

REQUESTS FOR PRODUCTION:

R-1. Produce, in the manner set forth below, **records of all trips you performed in**

call and demand sightseeing service as authorized by Certificate of Public Convenience and Necessity (CPCN) Number 55945 for the six month period beginning June 1, 2022 and ending November 30, 2022.

R-2. Produce, in the manner set forth below, **records of all trips you performed in call and demand shuttle service** as authorized by Certificate of Public Convenience and Necessity (CPCN) Number 55945 for the six month period beginning May 1, 2022 and ending October 31, 2022.

R-3. Produce, in the manner set forth below, **records of all trips you performed in call and demand charter service** as authorized by Certificate of Public Convenience and Necessity (CPCN) Number 55945 for the six month period beginning April 1, 2022 and ending September 30, 2022.

R-4. Produce, in the manner set forth below, all advertising, including brochures and website displays, of all the transportation services you performed in the last six months.

R-5. Produce, in the manner set forth below, **records of all complaints your received about your transportation services for the past six months.**

R-6. Produce, in the manner set forth below, **records of all transportation services you performed under** Certificate of Public Convenience and Necessity (CPCN) Number 55945 **that either originated or terminated at a vineyard or winery** in the past six months.

R-7. Produce, in the manner set forth below, **records of all transportation services you performed under** Certificate of Public Convenience and Necessity (CPCN) Number 55945 **that either originated or terminated at a place of lodging** in the past six months.

R-8. Produce, in the manner set forth below, **records of all transportation services**

you performed under Certificate of Public Convenience and Necessity (CPCN) Number 55945 **that either originated or terminated at a bar or restaurant** in the past six months.

R-9. Produce, in the manner set forth below, **a copy of your latest Federal Income Tax Return including all schedules and attachments.**

R-10. Produce, in the manner set forth below, copies of all your most recent financial records, including by way of example and not by way of limitation, balance sheets, income statements , cash flow statements and annual report to the Colorado Public Utilities Commission.

R-11. Produce, in the manner set forth below, **records of all loans you have outstanding now or at any time within the past six months.**

R-12. Produce, in the manner set forth below, **Colorado Bureau of Investigation (“CBI”) records for each of the officers and directors of your “LTD”.**

R-13. Produce, in the manner set forth below, a copy of the tariff or tariffs you used to provide the transportation service that you reported in response to Requests for Production R-1 through R-10 above.

R-14. Produce, in the manner set forth below, a copy of the time schedule or time schedules you used to provide the sightseeing services set forth in the records you produced in response to the above requests for production.

REQUEST FOR ADMISSIONS:

A-1. Admit that you have turned down requests for transportation service in the past six months.

A-2. Admit that in the past six months, you have not provided transportation services 24 hours a day, 7 days a week, 365 days a year.

PLEASE NOTE: The information requested in the Request for Production MUST be furnished UNDER OATH at the Law Offices of Richard J. Bara, Arbor Place, 7828 Vance Drive, Suite 105, Arvada, Colorado 80003, on or before the expiration of the 10 day period for answering these Interrogatories and producing the documents requested. In the event you choose to furnish business records in response to any interrogatory under Rule 33(c) C.R.C.P. these business records should be furnished at the Law Offices of Richard J. Bara, Arbor Place, 7828 Vance Drive, Suite 105, Arvada, Colorado 80003, on or before the expiration of the 10 day period for answering these interrogatories and producing the documents requested.

PLEASE ALSO NOTE: The information requested in the request for admissions should be furnished UNDER OATH at the Law Offices of Richard J. Bara, Arbor Place, 7828 Vance Drive, Suite 105, Arvada, Colorado 80003 on or before the expiration of the 10 day period for answering these questions. Please note that pursuant to Rule 37, C.R.C.P., **unless you respond to these admissions on or before the expiration of the 10 day period** for responses to discovery, these admissions are deemed ADMITTED as a matter of law. In the event you choose to furnish business records as response to any admission under Rule 33(c) C.R.C.P., these business records MUST be furnished at the Law Office of Richard J. Bara, Arbor Place, 7828 Vance Drive, Suite 105, Arvada, Colorado 80003, on or before the expiration of the 10 day period for answering these admissions.

This is to advise and remind you and give you notice that these interrogatories and requests for production of documents, and requests for admissions are intended to be and are continuing interrogatories, requests for production, and requests for admissions, pursuant to Rule

26(e) of the Colorado Rules of Civil Procedure and the corresponding Rules of Practice and Procedure of the Colorado Public Utilities Commission. Accordingly, if you have any information which applies to or affects your answer to these questions subsequent to the answering of these questions, you are hereby requested and required to promptly inform the undersigned of any additional information by filing supplemental answers to these interrogatories, requests for admissions and requests for production of documents by producing supplemental documents to these interrogatories, requests for production of documents, and requests for admissions.

This is to further advise you that all responses must be under oath, and a failure to submit responses under oath will be considered a failure to answer within the purview of Rule 37 of the Colorado Rules of Civil Procedure, and which will subject you to all sanctions for a failure to answer which may include admission of all requests for admissions as well as other sanctions as provided by law.

Respectfully submitted,

/s/ Richard J Bara

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Topsy Velo LLC d/b/a Topsy Voyage
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2023, I served a true and correct copy of the foregoing by e-mail in accord with Rule 1205(f) of the Rules of Practice and Procedure of the Colorado Public Utilities Commission to the person of record for Intervenor:

Pali-Tours, LTD
Dave Smith, Owner
P.O. Box 485
Palisade CO 81526
ride@pali-tours.com

/s/ Richard J Bara

dis-ptl
RJB/bms