

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0344CP-EXT

IN THE MATTER OF THE APPLICATION OF MEDRIDE LLC, FOR AUTHORITY TO
EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY NO. 55980.

**INTERIM DECISION SCHEDULING HEARING AND
ESTABLISHING PROCEDURES AND DEADLINES**

Issued Date: November 18, 2024

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision schedules a hybrid evidentiary hearing for February 18, 19, 20, 25 and 27, 2025; establishes procedures and deadlines relating to that hearing; and memorializes other rulings made during the November 14, 2024 prehearing conference.

B. Procedural History¹

2. On August 13, 2024, MedRide LLC (“MedRide” or “Applicant”) initiated this Proceeding by filing the above-captioned Application (“original Application”).²

3. On August 29, 2024, MedRide filed another Application (“First Amended Application”).³

4. On September 3, 2024, the Commission provided public notice of the First Amended Application.⁴

¹ Only the procedural history necessary to understand this Decision is included.

² See original Application filed August 13, 2024.

³ See First Amended Application and Deficiency Letter.

⁴ Notice at 2-3.

5. On September 26, 2024, MedRide filed another Application (“Second Amended Application”).

6. On September 30, 2024, Alpine Taxi/Limo, Inc., AEX, Inc. (“AEX”), San Miguel Mountain Ventures, LLC, Wilderness Journeys Pagosa, Inc., and Home James Transportation Services, LTD (“Home James”), (collectively, “Joint Interveners”) filed a joint “Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance . . . and Request for a Hearing.”

7. On October 3, 2024, Tava Cab, LLC, doing business a Tava Cab (“Tava”) filed a Notice of Intervention by Right and Alternative Petition for Leave to Intervene.

8. Also on October 3, 2024, NDW Enterprises LLC, doing business a Ski Town Transportation (“Ski Town”) filed a Notice of Intervention by Right and Alternative Petition for Leave to Intervene.

9. On October 11, 2024, MedRide filed another Application, (“Third Amended Application”).

10. During its weekly meeting held October 16, 2024, the Commission deemed the First Amended Application complete and referred the matter for disposition to an Administrative Law Judge (“ALJ”). This matter was subsequently assigned to the undersigned ALJ.

11. On October 22, 2024, MedRide filed the Stipulated Motion asking the Commission to approve the proposed amendments in the Third Amended Application.

12. On October 31, 2024, the ALJ approved the amendments to the requested authority in the Third Amended Application; deemed the Third Amended Application at issue in this Proceeding; addressed all Interventions; required Home James and AEX to file their updated Letters of Authority by November 13, 2024; and scheduled a remote prehearing conference for

November 14, 2024 at 1:00 p.m.⁵

13. On November 14, 2024, the ALJ held the prehearing conference as noticed. All parties appeared. This Decision memorializes the rulings made during the prehearing conference and establishes procedures for the evidentiary hearing.

II. FINDINGS AND CONCLUSIONS

A. Issues Addressed During Prehearing Conference

14. During the prehearing conference, the parties agreed to the hearing dates and procedural schedule outlined in the ordering paragraphs below. As to the manner in which the hearing should be held, Applicant and Joint Interveners indicated that they prefer the hearing be fully in-person at the Commission's offices in Denver but did not object to a hybrid hearing. While Ski Town and Tava prefer in-person hearings in their requested locations, they understand the difficulties associated with this.

15. To accommodate witnesses and parties based in remote areas of the state, the ALJ determined that the hearing would be a hybrid hearing. Under this approach, any witness or party who wishes to appear in person may do so (at the Commission's office in Denver), and any witness or party who does not wish to travel to Denver to appear in person may appear remotely. As noted during the hearing, this option provides the most flexibility for parties and witnesses and creates opportunities for parties and witnesses to conserve resources.

16. The ALJ informed the parties that because the hearing will accommodate remote participation, all documentary evidence must be presented electronically. The ALJ provided an overview of how this process will work during the hearing and noted that this Decision would establish procedures to accommodate electronic evidence presentation and remote participation.

⁵ Decision No. R24-0788-I (issued October 31, 2024)

Those procedures are set forth below and in Attachments A and B to this Decision.

17. The hearing will be held in person and using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate remote hearing participation. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A. Attachment B includes important information and requirements relating to presenting evidence electronically at the hearing, and thus, it is extremely important that all parties review and follow Attachment B's requirements.

18. During the prehearing conference, the ALJ also acknowledged that Home James and AEX complied with the requirement in Decision No. R24-0788-I to file their updated Letters of Authority and found that their updated Letters of Authority do not change the ruling in Decision No. R24-0788-I that they have properly intervened of right.

B. Advisements

19. *Applicant is on notice* that failure to appear at the evidentiary hearing may result in dismissal of the Third Amended Application for failing to pursue or prosecute it.

20. Similarly, *Interveners are on notice* that the ALJ will deem their failure to appear at the evidentiary hearing as abandoning or withdrawing their Interventions and opposition to the Third Amended Application and may result in granting the Third Amended Application without an evidentiary hearing.

21. Because the hearing will accommodate remote participation, parties will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this Proceeding. As such, it is important that all parties ensure that the Commission has the correct email address for them.

22. At the hearing, Applicant bears the burden of proof by a preponderance of the

evidence to show that it has met the legal requirements to be granted the requested authority.⁶ Among the legal requirements, Applicant must establish that it is fit to conduct the proposed operations and that the present or future public convenience and necessity requires or will require the proposed service.⁷ In deciding the latter question, the Commission applies the regulated monopoly doctrine,⁸ which requires that an applicant demonstrate the public needs the proposed service; that granting the authority is in the public interest; and that the existing service is substantially inadequate.⁹ The question is not whether the extent of business in a particular area is sufficient to warrant more certified carriers, but whether the public convenience and necessity demand the service of an additional carrier.¹⁰

23. All parties must be familiar with and follow the Commission's Rules of Practice and Procedure, 4 CCR 723-1, and the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. The parties may obtain a copy of these rules from the Commission in hard copy or on the Commission's website at <https://www.colorado.gov/pacific/dora/pucrules>.

III. **ORDER**

A. **It Is Ordered That:**

1. AEX, Inc., ("AEX") and Home James Transportation Services, LTD ("Home James") have complied with Decision No. R24-0788-I's requirement to file their updated Letters of Authority, which confirm they have properly intervened of right.

⁶ §§ 24-4-105(7); 13-25-127(1), C.R.S.; Rule 1500, 4 *Code of Colorado Regulations* ("CCR") 723-1.

⁷ Rule 6203(a)(XI), 4 CCR 723-6. *See* § 40-10.1-201(1), C.R.S.

⁸ *Ephraim Freightways Inc. v. Pub. Utils. Comm'n*, 380 P.2d 228, 230 (Colo. 1963).

⁹ Rule 6203(a)(XVII), 4 CCR 723-6. *See* § 40-10.1-201(1), C.R.S.; *Durango Transp. Inc. v. Pub. Utils. Comm'n*, 122 P.3d 244, 248-49 (Colo. 2005); *Ephraim Freightways Inc. v. Public Utilities Comm'n*, 380 P.2d 228, 231-32 (Colo. 1963).

¹⁰ *See Ephraim Freightways Inc.*, 380 P.2d at 231.

2. A hybrid evidentiary hearing on the Application filed October 11, 2024 in this Proceeding is scheduled as follows:

DATE: February 18, 19, 20, 25, and 27, 2025

TIME: 9:00 a.m. each day

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

OR

Join by videoconference using Zoom

3. To minimize the potential that the hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the parties by email before the hearing, and participants in the hearing are prohibited from distributing that information to anyone not participating in the hearing.

4. **Hearing Procedures.** Because the hearing will accommodate remote participation by videoconference, all evidence must be presented electronically. This means that all parties must prepare any documentary evidence (exhibits) for electronic presentation. In addition to the below requirements, all participants in the hearing must comply with the requirements in Attachments A and B, which are incorporated herein as if fully set forth. Those Attachments include critical information and requirements relating to participating in the hearing and preparing electronic evidence for introduction at the hearing.

5. **Deadline to Report if No Party Will Appear in Person.** MedRide, LLC (“Applicant”) must confer with the parties to confirm that at least one party plans to appear in person at the Commission’s offices in Denver for the evidentiary hearing. If no party will appear in person, Applicant must make a filing on or by the close of business on **February 3, 2025**

indicating that no party will appear in person. In such a case, the hearing will be converted to a fully remote evidentiary hearing. This filing is not required if Applicant confirms that at least one party will appear in person at the hearing.

6. **Deadlines to File Exhibits, Exhibit Lists and Witness Lists.** All parties must file and serve exhibits they intend to offer into evidence at the hearing, exhibit lists, and witness lists on or by the close of business on **January 21, 2025**. Witness lists must include a brief description of the witnesses' anticipated testimony, the witnesses' contact information, **and indicate whether the witness will appear in-person or remotely**. Exhibit lists must identify the hearing exhibit number, the full substantive title of each hearing exhibit, and include a brief description of each hearing exhibit the party intends to offer into evidence. Describing an exhibit solely by identifying the exhibit number **does not meet** this requirement (*e.g.*, describing it as "Hearing Exhibit 100" without information as to substantive nature or content 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. The parties are only required to prefile and serve exhibits they intend to offer into evidence during the hearing. Nothing in this Decision requires the parties to prefile exhibits that may be used *solely* to impeach a witness's testimony, to refresh a witness's recollection, or on rebuttal.¹¹

7. The parties may amend their exhibit and witness lists to add exhibits and witnesses not included in their prior exhibit and witness list. Any party wishing to do so must file and serve such additional exhibits and amended exhibit and witness lists on or by the close of business **on February 4, 2025**. Amended exhibit and witness lists **must list all the exhibits** that the filing party intends to offer and **all witnesses** who may testify at hearing. Amended exhibit and witness lists

¹¹ Only the Applicant may present rebuttal evidence.

will substitute the filing party's initial exhibit and witness lists, and as such, may not be filed as a supplement to prior exhibit and witness list filings.

8. **Deadline to File Statements of Position.** Any party wishing to file a Statement of Position must do so on or by the close of business on **March 14, 2025**.

9. **Hearing Exhibit Number Block Assignments.** To efficiently organize exhibits that will be presented during the evidentiary hearing, all parties must use a unified numbering system for all hearing exhibits, marked consistent with Attachment B, using hearing exhibit numbers within their assigned exhibit number blocks. The parties are assigned the hearing exhibit number blocks as set forth below.

Party	Assigned Hearing Exhibit Numbers
Applicant	100 to 199
Alpine Taxi/Limo, Inc.; AEX, Inc.; San Miguel Mountain Ventures, LLC; Wilderness Journeys Pagosa, Inc.; and Home James Transportation Services, LTD ("Joint Interveners") ¹²	200 to 799
Tava Cab, LLC, doing business as Tava Cab	800 to 899
NDW Enterprises LLC, doing business as Ski Town Transportation	900 to 999

10. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 1000 range (*e.g.*, Applicant will use hearing exhibit numbers 1100-1199; Joint Interveners will use hearing exhibit numbers 1200-1799, *etc.*).

¹² Since Joint Interveners filed their Intervention jointly, this Decision assigns just one (large) block of hearing exhibit numbers to them as a collective group.

11. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge