

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0261CP

IN THE MATTER OF THE APPLICATION OF TRANSPORTIA INC. DOING BUSINESS AS FLY AWAY SHUTTLE TRANSPORTATION INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
APPROVING RESTRICTIVE AMENDMENT,
DISMISSING INTERVENTION, AND
GRANTING APPLICATION, AS AMENDED**

Mailed Date: November 9, 2020

TABLE OF CONTENTS

I. STATEMENT.....	2
A. Summary.....	2
B. Procedural History.....	2
II. FINDINGS OF FACT AND CONCLUSIONS.....	5
A. The Restrictive Amendment.....	6
B. Burden of Proof and Legal Standards.	8
C. The Amended Application and the Evidence.	10
D. Conclusions.	13
III. ORDER.....	14
A. The Commission Orders That:	14

I. STATEMENT

A. Summary

1. This Recommended Decision grants the application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application), filed by Transportia Inc., doing business as Fly Away Shuttle Transportation Inc. (Applicant or Fly Away Shuttle) on June 16, 2020, as amended on June 24, 2020 and as modified by the restrictive amendment filed on October 12, 2020.

B. Procedural History

2. On June 16, 2020, Fly Away Shuttle, a Wyoming corporation, filed the Application.¹ That filing commenced this proceeding.

3. On June 29, 2020, the Commission issued its Notice of Application Filed (Notice). As noticed, the Application was:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand shuttle service

between all points in the Counties of Larimer and Weld, State of Colorado, on the one hand, and Denver International Airport, on the other hand.

The 30-day intervention deadline set by the Notice expired on July 29, 2020.

4. Applicant did not file testimony and exhibits with its Application and, therefore, sought a Commission decision within 210 days after the Application was deemed complete, or no later than March 3, 2021.²

¹ On June 24, 2020, Applicant filed an Amended Application to correct the name of the company and the state of its incorporation, as well as it sought only authority for the transportation of passengers “in call-and-demand shuttle service.”

² See § 40-6-109.5(2), C.R.S. (2019)

5. During the Commission's weekly meeting held on August 5, 2020, the Commission deemed the Application complete and referred it to an Administrative Law Judge (ALJ) for disposition. Subsequently, the undersigned ALJ was assigned to preside over this proceeding.

6. On August 7, 2020, Applicant filed an amendment to its Application to modify the geographic area it seeks to serve, as follows:

Fly Away Shuttle Transportation (FAST) would like to further define our area of service, which in the original application stated "Larimer and Weld Counties." We would like to exclude anywhere west of what is commonly known in Colorado as "the Foothills", specifically the Town of Estes Park, CO.

7. On July 17, 2020, Estes Valley Transport, Inc. (Estes Valley Transport), through counsel, filed its Entry of Appearance and Intervention. On the same date, Estes Valley Transport also filed an Exhibit and Witness Summary. Decision No. R20-0640-I (issued on September 2, 2020) acknowledged Estes Valley Transport's intervention by right.

8. No other interested party filed an intervention by right or a motion for permissive intervention. Applicant and Estes Valley Transport are the Parties to this proceeding.

9. The Notice established a schedule for filing lists of witnesses and copies of exhibits, consistent with Rule 1405(k) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 (2015).³ The Notice required Applicant to file and to serve its list of witnesses and copies of its exhibits not later than ten days after July 29, 2020 (the expiration of the notice period), or in this case not later than Monday August 10, 2020.

³ Amended Rules of Practice and Procedure became effective on July 30, 2020. See Decision No. C20-0177 (mailed on March 30, 2020) in Proceeding No. 19R-0483ALL and § 24-4-103(5), C.R.S. New rules adopted by an administrative agency have a "future effect" (*i.e.*, newly adopted rules are prospective). § 24-4-102(15), C.R.S. Because Applicant filed this Application on June 16, 2020, prior to the effective date of the new rules, the 2015 version of the Rules of Practice and Procedure, which were in effect during June 2020 were applied in this proceeding. See Article 2, § 11, *Colo. Const.*

10. Applicant failed to file its list of witnesses and copies of its exhibits by the August 10, 2020 deadline.

11. Decision No. R20-0640-I found that, under Rule 1201(a) of the Rules of Practice and Procedure, 4 CCR 723-1, and § 13-1-127, C.R.S., Applicant had established that Ms. CJ Johnson, who is not an attorney licensed in Colorado, should be permitted to represent Fly Away Shuttle in this proceeding.

12. Decision No. R20-0640-I adopted a procedural schedule for the parties to file, and to serve on each other, certain prehearing disclosures.⁴ Applicant was ordered to file its prehearing disclosures on or before September 9, 2020; and Estes Valley Transport was ordered to file its prehearing disclosures on or before September 22, 2020. Decision No. R20-0640-I also set a remote hearing for Tuesday, September 29, 2020 at 9:30 a.m. and included instructions and requirements for how to participate in the remote videoconference hearing and procedures for the presentation of exhibits submitted electronically during the evidentiary hearing.⁵

13. Because of a scheduling conflict, the remote evidentiary hearing set for September 29, 2020 at 9:30 a.m. was vacated and rescheduled for October 6, 2020 at 9:30 a.m.⁶

14. The remote evidentiary hearing was called to order as scheduled on October 6, 2020 at 9:30 a.m. Mr. Gary VanDriel, President of Fly Away Shuttle, appeared and asked to represent Applicant. After inquiring into the criteria in Rule 1201(a) of the Rules of Practice and Procedure, 4 CCR 723-1, and § 13-1-127, C.R.S., the ALJ determined that Mr. VanDriel, who is

⁴ The prehearing disclosures to be filed by each party were: (a) a list that identifies the witnesses the party intends to call at the hearing, including the last known address and telephone number of each witness; (b) a summary of the anticipated testimony of each witness; and (c) copies of the exhibits the party intends to present at the hearing.

⁵ See Decision No. R20-0640-I and Attachments A and B.

⁶ See Decision No. R20-0655-I issued September 9, 2020.

not an attorney licensed in Colorado, could represent Fly Away Shuttle in this proceeding. Ms. Johnson also appeared for Applicant. Charles J. Kimball, Esq., appeared on behalf of Estes Valley Transport.⁷

15. As a preliminary matter, Messrs. VanDriel and Kimball asked for a recess to finalize their settlement negotiations on a workable restrictive amendment to the Application. After the recess, Messrs. VanDriel and Kimball advised the ALJ that they had reached a settlement on the restrictive amendment. The ALJ took administrative notice, without objection, of the Original Application, Fly Away Shuttle's Colorado Certificate of Fact of Good Standing, and the Amended Application.⁸ Mr. VanDriel then testified in support of the restrictive amendment and the Amended Application.

16. On October 12, 2020, Fly Away Shuttle filed the negotiated restrictive amendment.

17. On October 14, 2020, Estes Valley Transport filed Intervenor's Statement Regarding Proposed Restrictive Amendment, stating its position on the restrictive amendment.

II. FINDINGS OF FACT AND CONCLUSIONS.

18. The Commission encourages the settlement of contested proceedings. Rule 1408 of the Rules of Practice and Procedure, 4 CCR 723-1.

⁷ At the hearing, Mr. Kimball stated that Estes Valley Transport used the trade name of Estes Valley Shuttle.

⁸ Hearing Exhibit 1. *See* Rule 1501(c) of the Rules of Practice and Procedure, 4 CCR 723-1. The documents in Hearing Exhibit 1 are documents in the Commission's E-Filing System file. These documents had been provided to Mr. Kimball, counsel for Estes Valley Transport, who was given an opportunity to object to controvert the documents to be administratively noticed.

A. The Restrictive Amendment.

19. In its October 12, 2020, filing of the negotiated restrictive amendment, Fly Away Shuttle described the authority now sought as:

Transportation of passengers and their baggage,⁹ *for on call and scheduled service* between Denver International Airport on the one hand, and on the other hand all points in Weld county in its entirety and all points in Larimer County east of US Highway 287, via any combination of roads or highways. (Emphasis added.)

20. The phrase “for on call and scheduled service” in the restrictive amendment is contrary to the authority sought in the Amended Application and, hence, is vague and ambiguous. The original application filed on June 16, 2020 sought authority for the transportation of passengers in scheduled service and in call-and-demand shuttle service.¹⁰ The Amended Application filed on June 24, 2020, however, deleted the request for scheduled service, leaving only the request for authority to provide the transportation of passengers in call-and-demand shuttle service.¹¹ At the October 6, 2020 hearing in their report on settlement negotiations, Messrs. Kimball and VanDriel focused on defining the service territory in the restrictive amendment, not on describing the proposed service as the transportation of passengers “in call-and-demand shuttle service,” as stated in the Amended Application.¹²

21. In its October 14, 2020 filing, Estes Valley Transport supported the proposed restrictive amendment, but did not address the error about the nature of service. Estes Valley Transport stated only that the restrictive amendment satisfied its interests and, if the Commission

⁹ The Commission has not regulated the transportation of property or baggage since the early 2000s, except for household goods movers. *See e.g.*, Decision No. R05-0450, Paragraph 14 at page 6 (issued April 20, 2005) in Docket No. 03R-554TR, *Repeal and Reenactment of all Rules Regulating Transportation by Motor Vehicle* (“49 U.S.C. § 14501 preempts states from making laws or rules regulating the rates, routes, and service of any property transportation”); and § 40-10.1-501, C.R.S., *et seq.* Therefore the words “and their baggage” will be deleted from the restrictive amendment.

¹⁰ Hearing Exhibit 1 at page 3, Original Application, Section 9.

¹¹ Hearing Exhibit 1 at page 11, Amended Application, Section 9.

¹² *Id.*

accepted the restrictive amendment, Estes Valley Transport withdraws its intervention. The ALJ finds that, when Estes Valley Transport filed Intervenor's Statement Regarding Proposed Restrictive Amendment, it had actual notice of the authority sought in the Amended Application. Therefore, the ALJ concludes that Estes Valley Transport's filing supports approval of the Amended Application for authority for the transportation of passengers "in call-and-demand shuttle service," within the restricted service territory defined in the restrictive amendment.

22. The ALJ has a duty to construe the restrictive amendment so that it is not vague and ambiguous and to ensure that the amendment is restrictive in nature, clear and understandable, and administratively enforceable.

23. Based upon the record in this proceeding, the ALJ construes the proposed restrictive amendment to request authority for the transportation of passengers "in call-and-demand shuttle service." Therefore, the ALJ finds that the restrictive amendment shall be restated as follows:

Transportation of

passengers in call-and-demand shuttle service

between Denver International Airport on the one hand, and on the other hand all points in Weld County in its entirety and all points in Larimer County east of US Highway 287, via any combination of roads or highways.

24. Based upon the record in this proceeding, the ALJ finds that the complete statement of the authority sought by Fly Away Shuttle, including the Amended Application and the restated restrictive amendment, is the following:

Transportation of

passengers in call-and-demand shuttle service

between Denver International Airport on the one hand, and on the other hand all points in Weld County in its entirety and all points in Larimer County east of US Highway 287, via any combination of roads or highways.

25. Based upon the forgoing findings and conclusions, the undersigned ALJ finds that the restrictive amendment proposed in the settlement is restrictive in nature, clear and understandable, and administratively enforceable. The settled restrictions on the authority sought by Applicant are unambiguous and will be contained wholly within the authority granted. Accordingly, the proposed restrictive amendment will be approved.

26. Estes Valley Transport's withdrawal of its intervention and of its objection to the Application is approved. Estes Valley Transport will be dismissed as a Party to this proceeding.

27. As a result of the withdrawal of Estes Valley Transport's intervention, the Application, as amended and restricted by the restrictive amendment, is not contested. Pursuant to § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1, the Application, as amended, and the supporting attachments will be determined under the Commission's modified procedure, including Mr. VanDriel's testimony at the evidentiary hearing.

B. Burden of Proof and Legal Standards.

28. As the Applicant and the proponent of an order, Fly Away Shuttle bears the burden of proof by a preponderance of the evidence.¹³ The preponderance standard requires that the evidence of the existence of a contested fact outweighs the evidence to the contrary. That is, the trier of fact (here the ALJ) must determine whether the existence of a contested fact is more probable than its non-existence. A party has met this burden of proof when the evidence, on the whole, slightly tips in favor of that party.¹⁴

¹³ See §§ 13-25-127(1) and 24-4-205(7), C.R.S.; Rule 1500 of the Rules of Practice and Procedure, 4 CCR 723-1.

¹⁴ See *Mile High Cab, Inc. v. Colorado Public Utilities Commission*, 302 P.3d 241, 246 (Colo. 2013); *Swain v. Colorado Department of Revenue*, 717 P.2d 507, 508 (Colo. App. 1985).

29. When the preponderance standard applies, the evidence in the record must be substantial. Substantial evidence “is more than a scintilla[;] ... it must do more than create a suspicion of the fact to be established. It means such relevant evidence as a reasonable [person’s] mind might accept as adequate to support a conclusion [;] ... it must be enough to justify, if a trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury.”¹⁵

30. Even though the Amended Application in this proceeding is now uncontested, Fly Away Shuttle still bears the burden to prove by a preponderance of the evidence that the Application should be granted. That is, Fly Away Shuttle must prove by a preponderance of the evidence all of the essential elements required to grant the authority sought.

31. In *Durango Transportation, Inc. v. Colorado Public Utilities Comm’n.*, 122 P.3d 244 (Colo. 2005), the Colorado Supreme Court held that the Commission’s purpose in granting transportation authority is to ensure that adequate transportation is available to the public.¹⁶ The Court succinctly explained the essential elements of proof for an application for authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers:

The doctrine of regulated monopoly governs motor-vehicle passenger carriers. ... Under this doctrine, an applicant for authority to operate a passenger service must demonstrate that the public convenience and necessity require the service. ... When an existing carrier holds authority in the territory the applicant seeks to serve, this requires a showing both that the existing carrier's service is substantially inadequate and that the public convenience and necessity require the service proposed by the applicant. ... An applicant must also demonstrate its [financial and operational] fitness to hold the requested authority. ...¹⁷

¹⁵ *City of Boulder v. Public Utilities Comm’n.*, 996 P.2d 1270, 1278 (Colo. 2000) (internal citation omitted).

¹⁶ *Id.*, 122 P.3d at 250 [citations omitted].

¹⁷ *Durango Transportation, Inc. v. Colorado Public Utilities Comm’n.*, 122 P.3d 244, 247 (Colo. 2005) [citations omitted].

32. In determining whether the Applicant has demonstrated by a preponderance of the evidence that the Amended Application and the requested authority should be granted, the ALJ will apply the legal and evidentiary standards explained by the Colorado Supreme Court in the *Durango Transportation* decision and the cases cited therein.

C. The Amended Application and the Evidence.

33. **Public Need.** The public need for a new common carrier authority is broader than the individual needs and preferences of an applicant's customers; the question turns upon the needs of the public as a whole,¹⁸ and whether there is a public need for the service proposed by Applicant in the proposed service area.¹⁹

34. The Amended Application, as modified by the restrictive amendment, requests authority to operate as a common carrier by motor vehicle for hire to provide transportation of passengers in call-and-demand shuttle service between Denver International Airport on the one hand, and on the other hand all points in Weld County in its entirety and all points in Larimer County east of U.S. Highway 287, via any combination of roads or highways.

35. Call-and-demand shuttle service is defined as “the transportation of passengers by a common carrier on a call-and-demand basis charged at a per-person rate and the use of the motor vehicle is not exclusive to any individual or group...”²⁰

36. In the Amended Application, Fly Away Shuttle stated that, “At the present time there is not a shuttle service operating in Northern Colorado for the public to DIA[,] and there is a definite need. As the travel restrictions are lifted from the Covid 19 [*sic*] shut down, people

¹⁸ *Trans-Western Express Ltd., v. Public Utilities Comm'n.*, 877 P.2d 350, 354 (Colo. 1994).

¹⁹ *Durango Transportation, Inc. v. Colorado Public Utilities Comm'n.*, 122 P.3d at 247.

²⁰ Rule 6201(m) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6.

[will] need transportation to DIA.”²¹ Mr. VanDriel testified that the only company (Groom) serving the proposed service area has less than stellar service with online complaints increasing, and that Applicant would provide more service than Groom.

37. **Financial Fitness.** The Amended Application stated that, “The owners will provide necessary funds for the business.”²² At the hearing, Mr. VanDriel testified that Fly Away Shuttle had approximately \$10,000 cash on hand in an operating account and a \$50,000 line of credit from a private investor to cover initial operating expenses, advertising, and any fees to be incurred.

38. **Operational Fitness.** Regarding the operational fitness of Fly Away Shuttle to own and to operate the requested authority, Fly Away Shuttle filed its Colorado Certificate of Fact of Good Standing along with the Amended Application.²³ The Amended Application listed two vehicles to be used in the shuttle operation: a nine-passenger 2017 Ford Transit T 350 van and a nine-passenger 2015 Ford Transit T 350 van.²⁴ Mr. VanDriel testified that those two vehicles had been purchased for operating the authority.

39. The Amended Application stated that initially Fly Away Shuttle will be based at 6501 Lynn Drive, Fort Collins, Colorado, a 1.25 acre location. The business would have an 1800 square feet shop with two lifts for maintenance and repairs. The office will be 600 square feet and fully equipped with a network and phone system. Fly Away Shuttle will subscribe to a cloud based reservation and dispatch system.²⁵

²¹ Hearing Exhibit 1 at page 12, Amended Application, Section 11.

²² Hearing Exhibit 1 at page 13, Amended Application, Section 13.

²³ Hearing Exhibit 1 at page 16.

²⁴ Hearing Exhibit 1 at page 12, Amended Application, Section 10(d).

²⁵ Hearing Exhibit 1 at pages 2 and 12, Amended Application, Sections 5 and 12.

40. **Managerial Fitness.** The Amended Application stated that Mr. VanDriel and Ms. Johnson have owned and managed several Colorado companies for decades, including a limousine/black car service currently permitted by the Commission, and had successfully run operations with as many as 125 employees.²⁶

41. Mr. VanDriel testified that both he and Ms. Johnson have experience in the passenger transportation industry. They started Style Car Service almost two years ago and since then have operated it continuously.²⁷ Ms. Johnson previously owned a limousine service in Phoenix, Arizona that she ran for five years and also currently ran an airport shuttle service in Phoenix, Arizona. Ms. Johnson has extensive business experience in all aspects of employment, management and accounting, and general business management.

42. The Amended Application attested that Fly Away Shuttle would operate in accordance with the Commission's Rules Regulating Transportation by Motor Vehicle, that the vehicles which it plans to use are compliant with those rules, and that, if the Application were to be granted, Applicant would abide by the Commission's Order, including but not limited to, causing proof of insurance coverage to be filed with the Commission in the amounts required by Rule 6008 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6.²⁸ Mr. VanDriel's testimony confirmed that Fly Away Shuttle would make the compliance filings required by the Commission, if the Amended Application were to be granted.

²⁶ Hearing Exhibit 1 at page 13, Amended Application, Section 14.

²⁷ Mr. VanDriel testified that Style Car Service currently holds luxury limousine permit No. LL03494 from the Commission. *See* Hearing Exhibit 1 at page 13, Amended Application, Section 14.

²⁸ Hearing Exhibit 1 at page 15, Amended Application, Section 22.

D. Conclusions.

43. The Amended Application as modified by the restrictive amendment, as well as Hearing Exhibit 1 and Mr. VanDriel's testimony, establish that Applicant has sufficient equipment with which to render the proposed passenger transportation service under the requested authority.

44. The Amended Application as modified by the restrictive amendment, as well as Hearing Exhibit 1 and Mr. VanDriel's testimony, establish that Applicant is financially, operationally, and managerially fit to conduct operations under the authority requested. Finally, the Amended Application as modified by the restrictive amendment, Hearing Exhibit 1, and Mr. VanDriel's testimony, as well as the lack of opposition to the Amended Application, indicate a public need for the proposed call-and-demand shuttle service.

45. The Amended Application, as modified by the restrictive amendment, demonstrate that Applicant is familiar with the Commission's Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those Rules.

46. The proposed transportation of passengers in call-and-demand shuttle service, as requested in the Amended Application and as modified by the restrictive amendment, is reasonable and not contrary to the public interest.

47. Based upon the foregoing findings and conclusions, the Amended Application as modified by the restrictive amendment, will be granted.

48. Therefore, in accordance with § 40-6-109, C.R.S., the ALJ transmits to the Commission the record in this proceeding along with a written recommended decision, and the ALJ recommends that the Commission enter the following order.

III. ORDER

A. The Commission Orders That:

1. The application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire, filed by filed by Transportia Inc., doing business as Fly Away Shuttle Transportation Inc. (Fly Away Shuttle) on June 16, 2020, as amended on June 24, 2020 and as modified by the restrictive amendment filed on October 12, 2020, shall be granted consistent with the findings and conclusions discussed in this Decision.

2. Fly Away Shuttle is granted authority to operate as a common carrier by motor vehicle for hire as follows:

Transportation of

passengers in call-and-demand shuttle service

between Denver International Airport on the one hand, and on the other hand all points in Weld County in its entirety and all points in Larimer County east of US Highway 287, via any combination of roads or highways.

3. Fly Away Shuttle shall operate in accordance with all applicable Colorado laws and Commission rules.

4. Fly Away Shuttle shall not commence operations under the authority granted by this Decision until it has complied with the requirements of Colorado law and Commission rules, including without limitation:

- a. causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- b. paying to the Commission, the motor vehicle fee (\$50) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- c. having an effective tariff on file with the Commission. Fly Away Shuttle shall file an advice letter and tariff on not less than ten days' notice. The Advice Letter and tariff shall be filed as a new

Advice Letter proceeding and shall comply with all applicable Commission rules. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. (Additional tariff information can be found on the Commission's website at <https://www.colorado.gov/dora/puc> and by following the transportation common and contract carrier links to tariffs); and

- d. paying the applicable issuance fee.
5. If Fly Away Shuttle does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the authority shall be void. For good cause shown, the Commission may grant additional time for compliance if Fly Away Shuttle files the request for additional time within 60 days of the effective date of this Decision.
6. The Commission will notify Fly Away Shuttle in writing when the Commission's records demonstrate compliance with Ordering Paragraph II.A.4.
7. Proceeding No. 20A-0261CP is closed.
8. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
9. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the Parties, who may file exceptions to it.
 - a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion within 20 days after service, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

10. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director