

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0078CP

IN THE MATTER OF THE APPLICATION OF PURPLE MOUNTAIN TOUR COMPANY LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING MOTION FOR
EXTENSION OF TIME TO FILE APPLICATION FOR
REHEARING, REARGUMENT, OR RECONSIDERATION**

Mailed Date: June 5, 2024

Adopted Date: June 5, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. By this Decision, the Commission grants, in part, the Motion for Extension of Time (Motion), filed by Green Jeep Tours, LLC (Green Jeep) on May 20, 2024.

2. By Decision No. C24-0306, issued April 29, 2024, the Commission denied Green Jeep's exceptions to Recommended Decision No. R24-0036 (Recommended Decision). Through that decision, the Commission upheld the ALJ's findings of fact and conclusions in the Recommended Decision in which it conditionally granted Purple Mountain Tour Company, LLC's (Purple Mountain) application for a CPCN to operate as a common carrier. Applications for Rehearing, Reargument, or Reconsideration (RRR) were due on or before May 20, 2024.

3. Through its Motion, Green Jeep requests that the Commission extend the filing deadline for RRR from May 20, 2024, to June 10, 2024. Green Jeep states it has been unable to confer with counsel due to Green Jeep's counsel being out of the state for most of the month of May. Further, Green Jeep states that it could not confer with Purple Mountain's counsel regarding

this Motion because its counsel was once again out of town. Green Jeep explains that it left a voicemail for Purple Mountain's counsel over the weekend and maintains that it does not expect Purple Mountain to oppose the requested extension because Green Jeep explained in a separate proceeding¹ involving the two parties that Green Jeep's counsel would not be available in the month of May. Green Jeep states that this matter is very important to it and argues that a 20-day extension is in the public interest and asserts that granting the extension will help avoid issues that could arise if the extension is denied.

4. On May 24, 2024, Purple Mountain filed a Response in opposition to Green Jeep's Motion asking the Commission to deny Green Jeep's request. As grounds for denying the Motion, Purple Mountain asserts Green Jeep did not confer in good faith prior to filing the Motion, good cause does not exist to grant the Motion, and Purple Mountain would be prejudiced by an extension of time.

5. Purple Mountain asserts Green Jeep's conferral was insufficient under Rule 1400(a) because Green Jeep called and left a voicemail for Purple Mountain the night before Green Jeep filed the Motion which did not give Purple Mountain sufficient time to respond and state its position. Purple Mountain also points out that Green Jeep filed a Motion in a separate proceeding involving the two parties in which it argued that Purple Mountain failed to adequately confer despite Purple Mountain providing more detail and more notice than Green Jeep has in the current proceeding. Purple Mountain asks that the Commission hold Green Jeep to the same standards to which Green Jeep seeks to hold Purple Mountain in the separate proceeding.

6. Purple Mountain also takes issue with Green Jeep's justification for an extension of time. Purple Mountain emphasizes that Green Jeep fails to articulate a basis for its RRR application

¹ Proceeding No. 23F-0248G.

and does not cite to any authority or law in support of an extension of time. Purple Mountain goes on to assert that an extension of time would be futile and would only serve to prolong the proceeding.

7. Section 40-6-114, C.R.S., sets forth the Commission's RRR process. After the Commission issues a final decision, parties have 20 days within which to file applications for RRR.² This RRR deadline may be extended by the Commission at its discretion, so long as the motion for extension of time is received within that initial 20-day period.³

8. We find that Green Jeep has made a timely filing and has stated sufficient good cause in its motion to warrant an extension of time to file RRR. Its counsel has been unable to communicate with its client and an extension of time to allow Green Jeep to adequately consult with its counsel prior to the RRR filing deadline is appropriate in this circumstance and accords with considerations of due process. The RRR deadline is extended up to and including June 10, 2024, effective *nunc pro tunc* to March 20, 2024. In granting this extension, we note that Green Jeep, by its own admission, knew well in advance that it would be "fully booked" during the RRR time period and yet waited until the very end of the period to file its Motion. However, Purple Mountain has been granted its CPCN at this point and can operate under the permit while this proceeding progresses, it would therefore not be unduly prejudicial to grant an extension of time here.

² § 40-6-114(1), C.R.S. and Commission Rule 1506(e), 4 CCR 723-1.

³ *Id.*

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Time to File Application for Rehearing, Reargument, or Reconsideration, filed by Green Jeep Tours, LLC on May 20, 2024, is granted *nunc pro tunc* to May 20, 2024, consistent with the discussion above.

2. The time period for any party to file an Application for Rehearing, Reargument, or Reconsideration of Commission Decision No. C24-0280 is extended to **June 10, 2024**.

3. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING June 5, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners