

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0507CP

IN THE MATTER OF THE APPLICATION OF WOODLAND PARK AIRPORT TAXI LLC,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION
SCHEDULING REMOTE PREHEARING CONFERENCE,
ADDRESSING INTERVENTION, PERMITTING
NON-ATTORNEY REPRESENTATION,
AND REQUIRING PARTIES TO CONFER**

Issued Date: January 14, 2025

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision schedules a fully remote prehearing conference for February 5, 2025 at 1:00 p.m.; allows Mr. Marcos Griego to represent Woodland Park Airport Taxi LLC (“Woodland Park” or “Applicant”) in this proceeding; and acknowledges Tava Cab, LLC doing business as Tava Cab (“Tava Cab”) as a party.

B. Procedural History

2. On November 18, 2024, Applicant initiated this matter by filing the above-captioned Application (“Application”).¹ The Applicant, through the Application, seeks a Certificate of Public Convenience and Necessity (“CPCN”) to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service between

¹ Applicant filed an Amended Application on December 15, 2024. Applicant then withdrew the Amended Application on December 18, 2024.

all points in Teller County, on the one hand, and all points in El Paso County, State of Colorado, on the other hand.

3. On November 25, 2024, the Public Utilities Commission (“the Commission”) provided public notice on the Application, per § 40-6-108(2), C.R.S., which requires that interventions be filed no later than 30 days from the date of the notice.²

4. On December 6, 2024, Tava Cab filed a Notice of Intervention by Right and Entry of Appearance (“Intervention”), including a copy of its Letter of Authority.

5. On January 8, 2025, the Commission deemed the Application complete and referred the matter by minute entry to an Administrative Law Judge (“ALJ”) for disposition.

II. RELEVANT LAW

6. As relevant here, a party with a legally protected right that may be impacted by the proceeding may intervene as a matter of right.³ To intervene of right, a carrier’s intervention must: identify the basis for the claimed legally protected right that may be impacted by the proceeding; include a copy of the carrier’s letter of authority; show that the carrier’s authority is in good standing; identify the specific parts of the authority that are in conflict with the application; and explain the consequences to the carrier and the public interest if the application is granted.⁴

7. Generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.⁵ However, an individual may appear without an

² See Notice at 1-2.

³ Rule 1401(b) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 See § 40-6-109(a), C.R.S.; *RAM Broadcasting of Colo. Inc., v. Public Utilities Comm’n*, 702 P.2d 746, 749 (Colo. 1985).

⁴ Rule 1401(b) and (f)(I), 4 CCR 723-1.

⁵ Rule 1201(a), 4 CCR 723-1.

attorney on behalf of a company after establishing its eligibility to do so.⁶ To be eligible to be represented by a non-attorney, all the below conditions must be met:

- The company must not have more than three owners;
- The amount in controversy must not exceed \$15,000; and
- The non-attorney individual seeking to represent the company must provide the Commission with satisfactory evidence demonstrating that person's authority to represent the company in the proceeding.⁷

8. It is presumed that a corporation's officers, a partnership's partners, a limited partnership's members, and persons authorized to manage a limited liability company have authority to represent the company in the proceeding.⁸ A written resolution from a company specifically authorizing the individual to represent the company's interests in the proceeding may also be relied upon as evidence of the individual's authority to represent the company.⁹

III. FINDING, ANALYSIS, AND CONCLUSIONS

A. Applicant's Legal Representation

9. Applicant is not represented by an attorney and seeks to be represented by non-attorney Mr. Marcos Griego.¹⁰ In support, Applicant states that it is a closely held entity that has no more than three owners; the amount in controversy does not exceed \$15,000; and that Mr. Griego is authorized to represent it as its owner.¹¹

10. As to Applicant's legal representation, the ALJ finds that Applicant has established that it is eligible to be represented by a non-attorney, and that its identified representative,

⁶ Rule 1201(b)(II), 4 CCR 723-1 and § 13-1-127, C.R.S.

⁷ Rule 1201(b)(II), § 13-1-127(2) and (2.3)(c), C.R.S.

⁸ § 13-1-127(2) and (2.3)(c), C.R.S.

⁹ § 13-1-127(3), C.R.S.

¹⁰ See Application at 7.

¹¹ *Id.*

Mr. Marcos Griego, has authority to represent Woodland Park, consistent with the above legal authority. Accordingly, Mr. Griego is permitted to represent Applicant in this Proceeding.

B. Tava Cab's Intervention

11. Tava Cab claims in its Intervention that it may intervene of right because the authority Applicant seeks here conflicts and overlaps with its authority, PUC No. 55994. In support, Tava Cab states that its PUC No. 55994 allows it to provide call-and-demand taxi service between all points in Teller County, and between said points, on the one hand, and all points in the Counties of Denver, Douglas, El Paso, Fremont, Park, and Pueblo, on the other hand, which overlaps with the geographical territory for the authority Applicant seeks here. Tava Cab also states that PUC No. 55994 contains a restriction against providing any taxi service that originates in El Paso County.¹² Tava Cab requests that the Commission set the matter for a hearing and deny the Application.¹³

12. The intervention by right of Tava Cab is acknowledged.

C. Remote Prehearing Conference

13. In anticipation of a hearing on the Application, the ALJ is scheduling a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* ("CCR") 723-1. At the prehearing conference, the ALJ will schedule an evidentiary hearing and related procedural deadlines (*e.g.*, deadlines to file exhibits, exhibit lists, and witness lists).

14. The parties may raise or address other issues relevant to this Proceeding during the prehearing conference.

¹² See Tava Cab's Intervention at 2.

¹³ *Id.* at 5.

15. Before the prehearing conference, the parties must confer with each other on the issues that will be addressed during the prehearing conference and must be prepared to address those issues during the prehearing conference. At minimum, the parties must confer on all issues discussed herein. When conferring on a hearing date, the parties should discuss the appropriate number of days for the hearing, and plan on a hearing being held no later than March 20, 2025, unless Applicant waives the applicable statutory period for issuance of a final Commission decision per § 40-6-109.5(3), C.R.S.

16. Participants will appear at the prehearing conference from remote locations by videoconference and may not appear in person for the prehearing conference. The remote prehearing conference will be held using Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

17. To minimize the potential that the videoconference hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing. Parties will receive an email with information needed to join the hearing at the email addresses on file in this Proceeding.

D. Additional Procedural Notices and Advisements

18. The parties are on notice that failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek; dismissing Tava Cab as a party (and its Intervention); and dismissing or granting the

Application. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

19. The parties are on notice that non-attorneys representing a party will be held to the same standard as an attorney, including complying with any orders arising out of this Proceeding, 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). Both sets of Rules are available for free on the Commission's website at: <https://puc.colorado.gov/pucrules>.

20. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

21. Additional procedural requirements may be addressed in future interim decisions.

22. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

IV. ORDER

A. It Is Ordered That:

1. Mr. Marcos Griego, a non-attorney, is permitted to represent Woodland Park Airport Taxi LLC in this Proceeding.

2. Tava Cab, LLC doing business as Tava Cab is acknowledged as an intervenor in this Proceeding.

3. A fully remote prehearing conference in this Proceeding is scheduled as follows:

DATE: February 5, 2025

TIME: 1:00 p.m.

PLACE: Join by videoconference online at the Zoom link emailed to parties before the hearing.

4. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

5. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing.

6. All participants must comply with the requirements in Attachment A to this Decision.

7. The parties must confer with each other prior to the prehearing conference, consistent with the above discussion.

8. 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

KELLY A. ROSENBERG

Administrative Law Judge