

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 24A-0532CP

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IN THE MATTER OF THE APPLICATION OF COLORADO YETI TOURS LLC DOING BUSINESS AS COLORADO YETI TOURS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**RECOMMENDED DECISION  
AFFIRMING ADMINISTRATIVE LAW JUDGE'S  
PROPOSED LANGUAGE, GRANTING MOTIONS TO  
AMEND APPLICATION, ACKNOWLEDGING  
INTERVENTION WITHDRAWALS, AND GRANTING  
PERMANENT AUTHORITY SUBJECT TO CONDITIONS**

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Issued Date: April 2, 2025

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**I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY****A. Summary**

1. This decision affirms the Administrative Law Judge's ("ALJ") language as set forth in Decision No. R25-0158-I; grants two motions to amend the above-captioned application; acknowledges Intervenors' withdrawal of their Interventions; and grants a permanent authority, subject to conditions.

**B. Procedural History**

2. On December 5, 2024, Colorado Yeti Tours LLC doing business as Colorado Yeti Tours ("Yeti") filed the application described in the caption above. Yeti filed an amendment to question 10 on the application on December 12, 2024 ("Initial Application").

3. On December 16, 2024, the Commission issued public notice of the authority sought by Yeti in the Initial Application as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand sightseeing service between all points in the Counties of El Paso, Fremont, and Teller. This application is restricted as follows: all tours will originate and terminate from the same location in El Paso County.<sup>1</sup>

4. On December 23, 2024, Colorado Jeep and Off Road Tours, Inc. ("Colorado Jeep") filed a Petition for Intervention and Entry of Appearance, including its Letter of Authority. Colorado Jeep claimed it was entitled to intervention of right. The ALJ acknowledged Colorado Jeep's intervention of right in Decision No. R25-0102-I, issued February 14, 2025.

5. On January 15, 2025, Marketing Services Inc. of Pueblo ("Marketing Services") filed an Entry of Appearance and Petition for Intervention, including its Letter of Authority.

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<sup>1</sup> Notice of Application at 1.

Marketing Services claimed it was entitled to intervention of right. The ALJ acknowledged Marketing Services' intervention of right in Decision No. R25-0102-I, issued February 14, 2025.

6. On January 22, 2025, the Commission deemed the Initial Application complete and referred the proceeding by minute entry to an ALJ.

7. On February 12, 2025, Applicant filed a "Stipulated Motion to Restrictively Amend Application and Withdraw Intervention" ("First Stipulated Motion"). Marketing Services consented to the First Stipulated Motion. Yeti did not include the required conferral statement in the First Stipulated Motion, so the ALJ did not know Colorado Jeep's position.<sup>2</sup> Accordingly, Colorado Jeep had 14 days to respond to the motion.<sup>3</sup>

8. On February 14, 2025, Applicant filed a "Second Stipulated Motion to Restrictively Amend Application and Withdraw Intervention" ("Second Stipulated Motion"). Colorado Jeep consented to the Second Stipulation Motion. Yeti did not include the required conferral statement in the Second Stipulation Motion, so the ALJ did not know Marketing Services' position.<sup>4</sup> Accordingly, Marketing Services had 14 days to respond to the motion.<sup>5</sup>

9. On March 6, 2025, the ALJ issued Decision No. R25-0158-I, which set forth the ALJ's interpretation of the parties' application language as set out in the First and Second Stipulated Motion. The ALJ gave the parties 14 days to make any proposed corrections or amendments to the ALJ's language.

10. No party filed any corrections or amendments to the ALJ's March 6, 2025, language.

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<sup>2</sup> Rule 1400(a) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

<sup>3</sup> Rule 1400(b), 4 CCR 723-1.

<sup>4</sup> Rule 1400(a), 4 CCR 723-1.

<sup>5</sup> Rule 1400(b), 4 CCR 723-1.

## **II. FINDINGS AND CONCLUSIONS**

### **A. Requests to Amend the Initial Application**

11. The First and Second Stipulated Motion seek to clarify the authority Yeti seeks in the Initial Application. By Decision No. R25-0158-I, the ALJ construed the Initial Application, as amended by the First and Second Stipulated Motion (“Amended Application”), to request the following authority (“Proposed Amendments”):

Transportation of passengers in call-and demand sightseeing service between all points in the Counties of El Paso, Fremont, and Teller, State of Colorado.

#### **RESTRICTIONS:**

(I) Against sightseeing service originating and terminating in the Counties of Fremont and Teller.

(II) Against operating more than two vehicles at any one time.

(III) No vehicle will exceed a seating capacity of seven people, including the driver.

(IV) Against providing sightseeing service on the segment of Fremont County Road 67 known as Phantom Canyon Road.

(V) Against providing service on the segments of Fremont County Road 9 and Teller County Road 88 known as Shelf Road.

(VI) Against providing service on the segment of Fremont County Road 3 known as Temple Canyon Road.

(VII) Against providing service on Fremont County Road 69.

(VIII) Against service using a vehicle crossing the Royal Gorge Bridge.

12. As noted in both the First and Second Stipulated Motions, if the proposed amendments are accepted, the Intervenor's interests in the Application would be eliminated or resolved, and Intervenor would withdraw their Interventions.<sup>6</sup>

13. To be acceptable, changes to an application's requested authority must be restrictive in nature, clear and understandable, and administratively enforceable. Both the authority and any restriction on that authority must be unambiguous and must be contained wholly within the authority. Both must be worded so that a person will know, from reading the authority and without having to resort to any other document, the exact extent of the authority and of each restriction. Clarity is essential because the scope of an authority must be found within the four corners of the permit, which is the touchstone by which one determines whether the operation of a carrier is within the scope of its Commission-granted authority.

14. The ALJ finds that the Proposed Amendments are restrictive and clarify the authority so that it is clear, understandable, and administratively enforceable. The ALJ will grant the First Stipulated Motion and the Second Stipulated Motion as interpreted in Decision No. R25-0158-I.

15. Since the Proposed Amendments are accepted, consistent with the requests in the First and Second Stipulated Motions, Marketing Services' and Colorado Jeep's Interventions are acknowledged as withdrawn. As a result, Marketing Services and Colorado Jeep are no longer parties to this Proceeding, and the Amended Application is not contested.

## **B. Amended Application**

16. Because the Amended Application is uncontested, verified, includes sufficient facts to decide the relief sought, is supported by the required documents and information, and a hearing

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<sup>6</sup> First Stipulated Motion at 2; Second Stipulated Motion at 2-3.

is not required or requested, the ALJ will consider the Amended Application based on the record without a formal hearing.<sup>7</sup>

17. The record shows that Yeti is a Colorado limited liability company organized in Colorado and in good standing.<sup>8</sup> The verified Application, as now amended, establishes that Yeti is familiar with the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those rules.<sup>9</sup> The Application establishes that Yeti has sufficient equipment with which to render the proposed service and is financially fit to conduct operations under the authority requested.<sup>10</sup> The Application establishes that Yeti's owner has experience in the transportation industry, which establishes that Yeti is managerially fit to operate the requested authority.<sup>11</sup> Finally, a review of the verified Application indicates a need for the proposed service.<sup>12</sup>

18. Based on the foregoing and the record, the ALJ concludes that because Yeti is fit, financially and otherwise, to perform the proposed service and because the other prerequisites have been met, the requested authority should be granted, subject to the below conditions.

19. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this proceeding and recommends that the Commission enter the following order.

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<sup>7</sup> § 40-6-109(5), C.R.S., and Rule 1403, 4 CCR 723-1.

<sup>8</sup> See Certificate of Good Standing dated December 12, 2024 (Application at 12).

<sup>9</sup> Application at 7.

<sup>10</sup> *Id.* at 10-11.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 9-10.

### III. ORDER

#### A. The Commission Orders That:

1. The Stipulated Motion to Restrictively Amend Application and Withdraw Intervention., filed February 12, 2025, and the Second Stipulated Motion to Restrictively Amend Application and Withdraw Intervention, filed February 14, 2025, are granted. Yeti Tours LLC's ("Yeti") Application as now amended seeks authority as set forth below in ordering paragraph 6.

2. Consistent with the above discussion, Colorado Jeep and Off Road Tours, Inc.'s ("Colorado Jeep") Petition for Intervention and Entry of Appearance, filed December 23, 2024, is withdrawn. Colorado Jeep is no longer a party to this proceeding.

3. Consistent with the above discussion, Marketing Services Inc. of Pueblo's ("Marketing Services") Entry of Appearance and Petition for Intervention the Petition for Intervention and Entry of Appearance, filed January 15, 2025, is withdrawn. Marketing Services is no longer a party to this Proceeding.

4. The May 7, 2025, hearing is vacated.

5. The verified Application filed by Yeti, as it has been amended and clarified, is granted consistent with the discussion above.

6. Subject to Yeti's full compliance with the requirements contained in this Recommended Decision, Yeti is granted a Certificate of Public Convenience and Necessity to Operate as a Common Carrier of Passengers by Motor Vehicle as follows:

Transportation of passengers in call-and demand sightseeing service between all points in the Counties of El Paso, Fremont, and Teller, State of Colorado.

#### RESTRICTIONS:

(I) Against sightseeing service originating and terminating in the Counties of Fremont and Teller.

- (II) Against operating more than two vehicles at any one time.
- (III) No vehicle will exceed a seating capacity of seven people, including the driver.
- (IV) Against providing sightseeing service on the segment of Fremont County Road 67 known as Phantom Canyon Road.
- (V) Against providing service on the segments of Fremont County Road 9 and Teller County Road 88 known as Shelf Road.
- (VI) Against providing service on the segment of Fremont County Road 3 known as Temple Canyon Road.
- (VII) Against providing service on Fremont County Road 69.
- (VIII) Against service using a vehicle crossing the Royal Gorge Bridge.

7. The authority granted in Ordering Paragraph No. 6 is conditioned on Yeti meeting the requirements contained in this Decision and is not effective until these requirements have been met.

8. Yeti must operate in accordance with all applicable Colorado Laws and Commission rules.

9. Yeti may not commence operation under the authority granted until it has complied with the requirements of Colorado law and Commission rules, including without limitation:

- (a) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) pay to the Commission, the motor vehicle fee (\$50.00) 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) file with the Commission and have an effective, publicly available advice letter and tariff. The tariff should comply with Rules 6208 and 6209 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than ten days' notice prior to a proposed effective date. 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 proposed effective date;



- (d) submit a Vehicle Inspection Report for each vehicle to be operated under the authority at the commencement of operations. The inspection must be done in accordance with Rules 6103 and 6104 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and the inspection must show that the vehicle passed the inspection. The inspection report may be found at: <https://puc.colorado.gov/common-carriers>;
- (e) register an authorized representative as a File Administrator on behalf of Applicant in the Commission's electronic filing system (E-Filings) and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at: [www.dora.state.co.us/pls/efi/EFI.homepage](http://www.dora.state.co.us/pls/efi/EFI.homepage); and
- (f) pay the applicable fee (\$5.00) for the issuance of the authority.

10. If Yeti 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, submit a Vehicle Inspection Report, register as a Filer Administrator in the E-Filings System and pay the issuance fee ***within 60 days*** of the effective date of this Decision, then the grant of the authority will be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

11. The Commission will notify Yeti in writing when the Commission's records demonstrate compliance with ordering paragraph 9 above.

12. Proceeding No. 24A-0532CP is closed.

13. 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.

14. 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, 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.

15. If exceptions to this Recommended 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

KELLY A. ROSENBERG

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E White,  
Director