

Decision No. C03-1065

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-464CP

THE APPLICATION OF DSC/PURGATORY, LLC, DOING BUSINESS AS MOUNTAIN TRANSPORT, FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 54985.

**ORDER PARTIALLY GRANTING MOTION
FOR EXTENSION OF TIME TO FILE AN
APPLICATION FOR REHEARING, REARGUMENT
OR RECONSIDERATION OF DECISION NO. C03-0929**

Mailed Date: September 18, 2003
Adopted Date: September 10, 2003

I. BY THE COMMISSION

A. Statement

1. On September 3, 2002, DSC/Purgatory, LLC, (DMR), filed an application for an extension of Certificate of Public Convenience and Necessity PUC No. 54985. Timely interventions were filed, and after amendments to the application were granted, a hearing was held on November 19, 2002.

2. The Administrative Law Judge denied the application in a recommended decision issued February 28, 2003. DMR filed exceptions on April 29, 2003, and on June 18, 2003, the Commission adopted a decision granting the exceptions.

3. On August 29, 2003, Intervenor Durango Transportation Inc. (DTI), filed a timely motion for a 30-day extension of time to file an application for rehearing, reargument, or reconsideration. The basis for DTI's request is that the Commission's decision represents a

change in the Commission's jurisprudence requiring counsel for DTI to spend ample time analyzing the decision and applicable case law.

4. DMR's response to the motion, filed on September 5, 2003, objects to the requested extension as being excessive, given the lengthy duration of the matter, and the approaching winter transportation season. DMR requests that the Commission deny the request, or in the alternative, suggests an extension of less than 30 days.

5. We find that DTI has shown sufficient grounds to grant its motion, but that DMR's request to reduce the requested extension has merit.

II. ORDER

A. The Commission Orders That:

1. The Durango Transportation, Inc., motion for an Extension of Time to File an Application for Rehearing, Reargument or Reconsideration of Decision No. C03-0929 is partially granted.

2. The deadline for the Application for Rehearing, Reargument, or Reconsideration shall be September 25, 2003.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.