

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-555CP

IN THE MATTER OF THE APPLICATION OF MOUNTAIN VIEW VILLAGE, INC., DOING BUSINESS AS LIFECARE, 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
MANA L. JENNINGS-FADER
GRANTING REQUEST TO
WITHDRAW APPLICATION, VACATING
HEARING DATE, DENYING
MOTION TO DISMISS AS MOOT,
CLOSING DOCKET, AND
WAIVING RESPONSE TIME**

Mailed Date: January 7, 2003

I. STATEMENT AND CONCLUSIONS

1. On October 15, 2002, Applicant Mountain View Village, Inc., doing business as LifeCare (LifeCare), filed its Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application).

2. The Commission gave notice of the Application and set a hearing date of January 7, 2003. *See* Notice of Applications filed, dated October 21, 2002.

3. Durango Transportation, Inc., and Mary C. Donaldson, doing business as Save-a-Buck Taxi Service (collectively, Intervenors), filed timely interventions of right.

4. On January 3, 2003, LifeCare submitted a letter requesting that its Application be withdrawn. Review of the letter and of the Commission file reveals that Applicant did not serve

a copy of the letter on the Intervenors. In view of the nature of the request, response time to the request will be waived.

5. The request to withdraw the Application states good cause, granting the request will not prejudice the Intervenors, and the request will be granted. This docket will be closed.

6. Because LifeCare filed a request to withdraw the Application, the hearing scheduled for January 7, 2003, was vacated.¹

7. On January 3, 2003, Durango Transportation, Inc., filed its Motion to Dismiss. Because LifeCare has withdrawn its Application, the Motion to Dismiss will be denied as moot.

8. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The request of Mountain View Village, Inc., doing business as LifeCare, to withdraw its Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire is granted.

2. The Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by Mountain View Village, Inc., doing business as LifeCare, is dismissed without prejudice.

3. The Motion to Dismiss filed by Durango Transportation, Inc., is denied as moot.

¹ The parties were informed by telephone that the hearing was vacated.

4. The hearing scheduled for January 7, 2003, is vacated.

5. The response time to the request to withdraw the Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by Mountain View Village, Inc., doing business as LifeCare, is waived.

6. Docket No. 02A-555CP is closed.

7. 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.

8. As provided by § 40-6-106, 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 recommended 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 a basic finding 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.

9. 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)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

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