

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

DOCKET NO. 03A-466CP-EXTENSION

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IN THE MATTER OF THE APPLICATION OF R & R TRANSPORTATION, INC., FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING AN  
EXTENSION OF OPERATIONS UNDER PUC NO. 55693.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
GRANTING MOTION FOR CONTINUANCE,  
ORDERING APPLICANT TO OBTAIN  
COUNSEL, ESTABLISHING FILING  
DATES, SETTING HEARING  
DATE, AND NOTING CORRECTION**

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Mailed Date: January 30, 2004

**I. STATEMENT**

1. On October 23, 2003, R & R Transportation, Inc. (Applicant), filed its Application for an Extension of Certificate of Public Convenience and Necessity PUC Number 55693 (Application). That Application commenced this docket. On November 12, 2003, Metro Taxi, Inc. (Metro or Intervenor), intervened of right.

2. The Commission scheduled the hearing in this matter for January 30, 2004.

3. On January 30, 2004, the undersigned Administrative Law Judge (ALJ) convened the hearing as scheduled. Applicant and Metro appeared.

4. As a preliminary matter, Metro made an oral motion to dismiss. The motion to dismiss was based on the applicant corporation's appearing without counsel and on the

Applicant's failure to make filings required by the *Rules of Practice and Procedure*, 4 *Code of Colorado Regulations* (CCR) 723-1.

5. In response to the motion to dismiss, Applicant orally requested a continuance for the purpose of obtaining counsel. Over the objection of Metro and for the reasons stated at the hearing (principally, but not exclusively, administrative efficiency), the ALJ granted the request for continuance under the following conditions: first, counsel for Applicant must enter her/his appearance on or before February 13, 2004; and, second, if no counsel has entered an appearance for Applicant by close of business on February 13, 2004, and absent further order, the Application will be dismissed without prejudice.

6. To provide Applicant's counsel time to meet with her/his client, to advise Applicant, and to prepare for hearing, the hearing in this matter will be continued to March 29, 2004. The parties agreed to this date.

7. As Intervenor argued in its motion to dismiss, Applicant failed to provide its list of witnesses and copies of its exhibits as required by the *Rules of Practice and Procedure*, 4 CCR 723-1, and by the Notice of Applications Filed, dated December 15, 2003, in which the Commission gave public notice of the Application. Metro persuasively argued that this failure prevented it from preparing, or at least inhibited its ability to prepare, for hearing. To remedy this situation, the ALJ will establish the following filing dates: (a) Applicant shall file its list of witnesses and copies of its exhibits no later than March 3, 2004; and (b) Intervenor may supplement its list of witnesses and copies of its exhibits no later than March 15, 2004. The parties agreed to this schedule.

8. Finally, on reviewing Decision No. R04-0096-I, the ALJ noted a typographical error in paragraph 7. That paragraph states: “Item (III) of this Certificate is restricted[.]” That paragraph should read, and will be corrected to read: “Item (II) of this Certificate is restricted[.]”

## II. ORDER

### A. It Is Ordered That:

1. The request of R & R Transportation, Inc., for a continuance of the hearing in this matter is granted, subject to the following conditions: *first*, counsel for R & R Transportation, Inc., must enter her/his appearance on or before February 13, 2004; and, *second*, if no counsel has entered an appearance for R & R Transportation, Inc., by close of business on February 13, 2004, and absent further order, the Application will be dismissed without prejudice.

2. Hearings in this matter shall be conducted at the following date, time, and place:

DATE: March 29, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room  
1580 Logan Street, OL-2  
Denver, Colorado

3. The parties shall follow the procedures and shall make the filings set forth above.

4. Paragraph 7 of Decision No. R04-0096-I, is corrected to read: “Item (II) of this Certificate is restricted[.]”

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge