

Decision No. R04-0160-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-461CP

IN THE MATTER OF THE APPLICATION OF KYLE BUIS, DOING BUSINESS AS
PEGASUS TRANSIT, 4421 SOUTH STOVER, SUITE 4, FORT COLLINS, COLORADO
80525 FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE
AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING PRE-HEARING CONFERENCE**

Mailed Date: February 13, 2004

I. STATEMENT

1. The captioned application of Kyle Buis, doing business as Pegasus Transit (Pegasus), was filed with the Colorado Public Utilities Commission (Commission) on October 21, 2003, and was published in the Commission's "Notice of Applications Filed" on October 27, 2003.

2. Timely interventions have been filed in this matter by Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc. (Shamrock Taxi), and Greeley Airport Shuttle, Inc., doing business as Rocky Mountain Shuttle, Ltd. (RMS).

3. On February 10, 2004, Pegasus filed three pleadings in this matter, a Notice of Retraction (Retraction), a Witness and Exhibits List (W&E List), and a Notice of Availability of

Hearing Dates (Hearing Notice).¹ The Retraction appears to request that a portion of the application be dismissed. The Hearing Notice requests that the matter be set for hearing in January or February of this year notwithstanding the fact that the hearing has already been scheduled for March 11 and 12, 2004, in Ft. Collins, Colorado. *See*, Decision No. R04-0030-I.² The W&E List refers to unidentified witnesses who may appear to testify at the hearing. It also generally refers to various documents that may be offered as hearing exhibits. However, it does not include copies of the same.

4. The Pegasus pleadings described above raise various issues that require clarification before this matter can proceed to hearing. These include at least the following: the scope of Pegasus' apparent request to dismiss a portion of the application and the manner in which such a dismissal would affect the interests of Shamrock Taxi and/or RMS, if any; Pegasus' ability or willingness to comply with the witness and exhibits list filing requirements described in Decision No. R03-1457-I and 4 *Code of Colorado Regulations* (CCR) 723-1-71(b)(4); possible confusion on Pegasus' part concerning the dates set for the hearing of this matter; and the ability of any Pegasus representative or agent other than Mr. Buis to appear on its behalf at such hearing under the provisions of 4 CCR 723-1-21.³

¹ The Hearing Notice and W&E List are dated January 14, 2004, and the Retraction is dated January 15, 2004. All three pleadings contain a Certificate of Mailing indicating that they were mailed to the Commission and counsel for Shamrock Taxi and RMS on January 30, 2004. The signature on the pleadings is by someone denominated as the "Authorized Executive Agent for Pegasus Transit." It is illegible, but appears to be that of someone other than Mr. Buis.

² *See*, Decision No. R04-0030-I. As indicated in that decision, Pegasus had an opportunity to advise the administrative law judge of its availability for a re-scheduled hearing subsequent to the time the original hearing date was vacated. *See*, Decision No. R03-1457-I. However, it failed to do so.

³ In this regard, reference is made to that portion of the W&E List wherein Pegasus indicates that its "...agent(s) will be present & will be our rep. (sic) for the hearing...."

5. As a result of the foregoing, a pre-hearing conference will be held at the time and place set forth in this Interim Order. The conference will deal with the issues listed above as well as any other issues contemplated by 4 CCR 723-1-79(b).

II. ORDER

A. It Is Ordered That:

1. A pre-hearing conference is scheduled in the captioned proceeding as follows:

DATE: February 20, 2004
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2
Denver, Colorado

2. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

