

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

DOCKET NO. 03A-432CP

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IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWDER, INC.,  
4950 SOUTH YOSEMITE, F-2, #118, GREENWOOD VILLAGE, COLORADO 80111 FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A  
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
DENYING MOTION TO VACATE  
AND RE-SCHEDULE HEARING**

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Mailed Date: February 24, 2004

**I. STATEMENT**

1. The captioned application of Rocky Mountain Powder, Inc. (RMPI), was filed with the Colorado Public Utilities Commission on September 29, 2003, and is currently scheduled for hearing on March 4 and 5, 2004. *See*, Decision No. R04-0036-I.

2. On February 19, 2004, RMPI filed a Motion to Vacate and Reschedule Hearing Pending Buyout Discussions and Settlement (Motion). The Motion requests that the March 4 and 5, 2004, hearings be continued to sometime in May 2004 in order to allow RMPI to finalize a transaction to purchase authority currently held by David Carrel, doing business as Lift Ticket Limo (Lift Ticket), or to negotiate settlement agreements with opposing parties. RMPI indicates that the successful acquisition and transfer to it of Lift Ticket's authority would render this application moot.

3. While the Motion may state good grounds for the requested continuance, the Commission is precluded from granting this relief as a result of the requirement imposed by

§ 40-6-109.5(2), C.R.S., that it issue a final decision in connection with this application within 210 days after it has been deemed complete. As previously noted in Decision Nos. R03-0003-I and R04-0036-I, in the absence of RMPI's waiver of the provisions of that statute, the hearing of this matter must be completed no later than March 8, 2004, to ensure compliance with § 40-6-109.5(2), C.R.S. Neither the Motion nor any other pleading filed by RMPI to date contains such a waiver.<sup>1</sup> Accordingly, the Motion must be denied.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motion to Vacate and Reschedule Hearing Pending Buyout Discussions and Settlement filed in this matter by Rocky Mountain Powder, Inc., is denied.

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<sup>1</sup> Section 40-6-109.5(3), C.R.S., allows an applicant to waive the provisions of § 40-6-109.5(2), C.R.S. RMPI may wish to submit a revised motion containing such a waiver.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge