

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-049BP

IN THE MATTER OF THE APPLICATION OF DIALED-IN-AUTO, LLC, 3060 SOUTH DAHLIA STREET, DENVER, COLORADO 80222 FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING HEARING AND ESTABLISHING
PROCEDURAL SCHEDULE**

Mailed Date: April 27, 2004

I. STATEMENT

1. The captioned application of Dialed-In-Auto, LLC (Dialed-In), was filed with the Colorado Public Utilities Commission (Commission) on January 29, 2004, and was published in the Commission's "Notice of Applications Filed" on February 9, 2004.

2. Golden West Commuter, LLC (Golden West) and R&R Transportation, Inc. (R&R), filed interventions in this matter.¹

3. This matter was originally scheduled for hearing on April 12, 2004. However, the hearing was vacated and a pre-hearing conference was held in its place. At the pre-hearing conference both Dialed-In and R&R expressed a desire to retain legal counsel. The parties were granted until April 26, 2004, to do so. Along with their entry of appearance on or before that date, counsel were to provide advisements concerning their availability for hearing so that the

¹ The Golden West intervention has been withdrawn on the basis of restrictive amendments agreed to by Dialed-In. See, Decision No. R04-0374-I.

hearing could be rescheduled prior to June 15, 2004, and a procedural schedule could be established. See, Decision No. R04-0374-I.

4. On April 19, 2004, Richard J. Bara, Esq. entered his appearance as counsel for Dialed-In and provided his hearing availability advisement. Counsel has yet to enter an appearance on behalf of R&R and no hearing availability advisement has been submitted on its behalf. Therefore, it is presumed that R&R and any counsel it may retain are available for hearing on any business day on or before June 15, 2004.

5. The advisement provided by counsel for Dialed-In indicates that June 3, 2004, is a convenient date for rescheduling the hearing. Therefore, the matter will be rescheduled for hearing at that time and the procedural schedule set forth in the Order that follows shall govern this proceeding. Any legal counsel seeking to enter his/her appearance on behalf of R&R subsequent to the date of this Order shall take the case as he/she finds it.

II. ORDER

A. It is Ordered That:

1. The hearing of this matter is rescheduled as follows:

DATE: June 3, 2004
TIME: 9:00 A.M.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

2. Dialed-In-Auto, LLC shall file its list of witnesses and copies of exhibits on or before May 14, 2004.

3. R&R Transportation, Inc., shall file its list of witnesses and copies of exhibits on or before May 24, 2004.

4. In accordance with Rule 71(b)(6) and (7) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-71(b)(6) and (7), no witness will be permitted to testify and no exhibit will be received in evidence, except in rebuttal, unless filed and served pursuant to the above requirements. If a party does not meet such requirements, the Commission may dismiss the application or intervention upon motion filed by the other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge