

Decision No. R04-0485-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-147CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

LEVTZOW, LLC, DOING BUSINESS AS MOUNTAIN LIMO,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, VACATING
HEARING, SETTING NEW HEARING
DATE, AND WAIVING RESPONSE TIME**

Mailed Date: May 11, 2004

I. STATEMENT

1. Staff of the Commission (Staff) issued Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 28540-CPAN (the CPAN) on March 23, 2004. Levtzow, LLC, doing business as Mountain Limo (Respondent), acknowledged receipt of the CPAN. See CPAN at 3. The CPAN, which alleges 40 violations of Commission rules, commenced this proceeding.

2. On April 16, 2004, Respondent acknowledged (*i.e.*, admitted) its liability for violations no. 10 and no. 11. On that same date Respondent requested a hearing on the remaining 38 alleged violations. See filing made on April 16, 2004.

3. By Decision No. R04-0437-I the undersigned Administrative Law Judge (ALJ) scheduled a hearing in this matter for May 20, 2004.

4. On May 3, 2004, Staff filed a Motion to Vacate and Reset Hearing Date (Motion). In that Motion Staff stated that neither Respondent nor Staff's witness is available on the scheduled hearing date. In addition, Staff stated that Respondent has requested that the hearing be held in Telluride, Colorado. Finally, Staff provided a list of dates on which neither it nor Respondent is available. Although Respondent did not review the Motion prior to its being filed, Staff represents that it obtained Respondent's dates of unavailability and learned of Respondent's desire to have the hearing in Telluride during conversations with Respondent.

5. The Motion states good cause. As granting the Motion will benefit both Staff and Respondent, granting the Motion will not prejudice any party. The Motion will be granted, and the hearing scheduled for May 20, 2004 will be vacated.

6. It now remains to schedule a new hearing date and location for this proceeding. After considering the parties' unavailable dates and the Respondent's request that the hearing be held in Telluride, the hearing will be scheduled for August 3, 2004, in Telluride, Colorado. This date is far enough in the future to permit the parties to arrange their schedules. In addition, to the extent either party should desire to retain counsel, this date allows for retaining counsel without the need to request a change in hearing date.¹

7. Given the nature of the Motion and the fact that the looming hearing date necessitates prompt action on the Motion, response time to the Motion will be waived.

¹ The parties are on notice that, if they are going to do so, they should retain counsel as soon as possible to avoid the necessity of filing a motion to change the hearing date due to counsel's unavailability. The ALJ will not be favorably disposed to such a motion if it is filed after June 18, 2004.

II. ORDER

A. It Is Ordered That:

1. The Motion to Vacate and Reset Hearing is granted.
2. The hearing scheduled for May 20, 2004, is vacated.
3. Hearing in this matter shall be conducted at the following date, time, and place:

DATE: August 3, 2004

TIME: 10:00 a.m.

PLACE: Town of Telluride Lower Level Meeting Room
113 West Columbia Avenue
Telluride, Colorado

4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge