

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-154CP

IN THE MATTER OF THE APPLICATION OF MICHAEL ALBERT MURRELL,
D/B/A VALLEY TAXI, P.O. BOX 1272, GLENWOOD SPRINGS, COLORADO 81602 FOR
AN EXTENSION OF OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY PUC NO. 55723.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION FOR
CONTINUANCE; RE-SCHEDULING
HEARING; AND ESTABLISHING
PROCEDURAL SCHEDULE**

Mailed Date: May 24, 2004

I. STATEMENT

1. The captioned application of Michael Albert Murrell, doing business as Valley Taxi (Valley Taxi), was filed with the Colorado Public Utilities Commission (Commission) on May 29, 2004, and was published in the Commission's "Notice of Applications Filed" on April 5, 2004.

2. Interventions have been filed in this matter by the following parties: Tazco, Inc., doing business as Sunshine Taxi; Snow Limousine, Inc.; Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi, Inc. (High Mountain); and Vail Valley Taxi, Inc. (Vail Valley) (collectively, Intervenors).

3. On May 11, 2004, the Commission issued an Order Setting Hearing and Notice of Hearing setting this matter for hearing on June 8 and 9, 2004, in Glenwood Springs, Colorado.

4. By correspondence dated May 10, 2004 (Motion for Continuance), Valley Taxi has requested that the hearing be continued until sometime after May 26, 2004, or “possibly longer.”

5. On May 12, 2004, response time to the Motion for Continuance was shortened to May 20, 2004. *See*, Decision Nos. R04-0496-I and R04-0496-I-E. These Orders requested that the parties provide advisements concerning their availability for a re-scheduled hearing in Glenwood Springs during the period of June 15, 2004 through August 9, 2004.

6. Responses to the Motion for Continuance were filed by all Intervenors, none of whom opposed the requested continuance. Intervenors also submitted their respective hearing availability advisements.

7. Valley Taxi did not submit an advisement concerning its availability for a re-scheduled hearing. Therefore, consistent with the provisions of Decision No. R04-0496-I, it will be presumed that it is available for hearing on any business day during the subject period.

8. Good grounds having been shown, the Motion for Continuance will be granted. Based on the advisements provided by Intervenors, it appears that July 8, 2004, is a convenient date for a re-scheduled hearing. As a result of the hearing location, an additional day of hearing will also be scheduled for July 9, 2004.¹ These hearing dates and a procedural schedule governing this proceeding are set forth in the Order that follows.

¹ The hearing will commence on July 8, 2004. The July 9, 2004 hearing date will be used only if the parties are unable to complete their presentations on July 8, 2004. The Administrative Law Judge (ALJ) is aware that July 9, 2004 was listed as an unavailable date by High Mountain and Vail Valley. However, the schedules of the remaining parties and the ALJ, along with the unavailability of hearing rooms in Garfield County on other potential available dates, required that the hearing also be scheduled on July 9, 2004.

II. ORDER**A. It Is Ordered That:**

1. The Motion for Continuance filed in this matter by Michael Albert Murrell, doing business as Valley Taxi, is granted.

2. The hearing of this matter scheduled for June 8 and 9, 2004, is vacated.

3. This matter is re-scheduled for hearing as follows:

DATES: July 8 and 9, 2004

TIME: 9:00 a.m.

PLACE: Garfield County Commissioners' Board Room
108 Eighth Street, Room 100
Glenwood Springs, Colorado

4. Michael Albert Murrell, doing business as Valley Taxi, shall file its list of witnesses and copies of exhibits on or before June 18, 2004.

5. Intervenors shall file their list of witnesses and copies of exhibits on or before June 28, 2004.

6. In accordance with Rules 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.

7. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge