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STATE OF COLORADO  
PUBLIC UTILITIES COMM.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF LANA ADAMS DAY CARE INC, )  
1030 SOUTH PEORIA STREET, )  
AURORA, CO 80012, FOR AUTHORITY )  
TO OPERATE AS A COMMON CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )

Docket No. 04A-273CP

file  
AUG 5/04

**MOTION TO VACATE AND RESCHEDULE HEARING**

Comes now, the Intervenor by right, Golden West Commuter LLC, (Hereafter "Golden West" or "Intervenor") P.O. Box 386, Golden, CO 80402-0386, by and through counsel, and files this its motion to vacate and reschedule hearing in the referenced matter. In furtherance thereof, Intervenor would respectfully set forth the following:

I. According to notice of applications filed dated June 1, 2004, the referenced application proceeding is currently scheduled for August 13, 2004.

II. Golden West filed its intervention by right in the referenced proceeding on June 16, 2004.

III. Golden West has also intervened in application Docket No. 04A-264CP-EXT, the application of MTV Group LLC. According to the PUC notices dated June 1, 2004, hearing in that case is also scheduled for August 13, 2004.

IV. Intervenor's general manager, John Brunel, handles all the public utilities hearing work on behalf of Intervenor. Golden West is a small, family run, operation and there is no other person qualified testify on behalf of the company at the Public Utilities Commission.

V. Intervenor's counsel of record is a sole practitioner. As such, there is no one in counsel's office that could cover one hearing while counsel covers the other. Moreover, counsel is

unavailable for either hearing on August 13, 2004. The Colorado Trial Lawyers Association annual meeting is scheduled to commence on August 12 and run through August 15, 2004. The agenda for this year's meeting includes several classes of instruction pertinent to counsel's fields of practice. The meeting is being held in Steamboat Springs, CO, and commuting between the meeting and the hearing is simply not possible.

**VI.** Both this case and the MTV case are extremely important to Intervenor. The scheduling conflict occurs through no fault of Intervenor. Sections 40-6-108 and 109, C.R.S. give Intervenor a statutory right to participate in both these proceedings.

**VII.** No harm will befall the public by rescheduling hearing in the referenced matter. Set forth below are several alternate days on which Intervenor and its counsel are currently available for hearing. In the event this motion is granted, Intervenor will assume the burden of clearing available dates with other parties and the Commission.

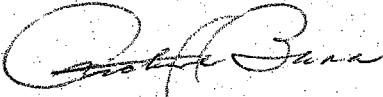
**VIII.** At this point in time, the following dates in the month of August are currently available on the schedules of Intervenor and its counsel:

August 5, 6, 18, 19, 24, 25, 26, 31, 2004.

In rescheduling this matter, Intervenor respectfully requests that the Commission take into account that Golden West is also intervening in Docket No. 04A-252CP, the application of Mobility Express Transportation System, Inc., currently scheduled for hearing on August 9, 2004 and Docket No. 04A-255BP, the application of Idox System LLC, currently scheduled for hearing on August 10, 2004.

**IX.** Wherefore, and for all the foregoing reasons, Intervenor respectfully requests that the relief sought herein be granted, and that any other relief deemed appropriate, be likewise granted forthwith.

Respectfully submitted,

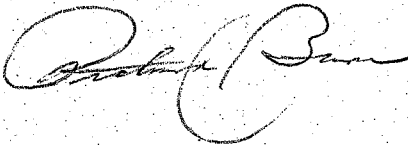


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### CERTIFICATE OF SERVICE

I hereby certify that on this <sup>24<sup>th</sup> 113</sup> 22<sup>nd</sup> day of June, 2004, I served a true and correct copy of the foregoing by depositing same in the United States mail, postage pre-paid, to the following:

Lana Adult Day Care, Inc.  
1030 South Peoria Street  
Aurora, CO 80012



M-VRS

RJB/AMR