

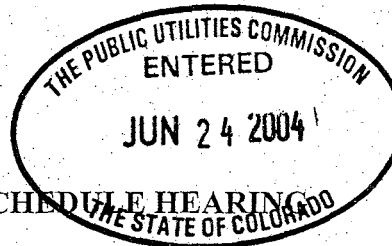
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

2004 JUN 24 PM 3:38

IN THE MATTER OF THE APPLICATION)
OF MTV GROUP LLC, P.O. BOX)
470082, AURORA, CO 80047 FOR)
A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
TO EXTEND OPERATIONS UNDER)
PUC NO. 55728 TO OPERATE AS)
A COMMON CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

Docket No. 04A-264CP-EXT



file
AOS
40

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-273-CP, the application of Lana Adult Day Care, Inc. 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 to 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 Lana 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:

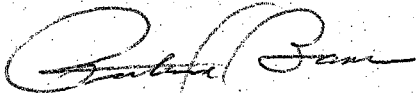
August 5, 6, 18, 19, 24, 25, 26, 31, 2004.

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,

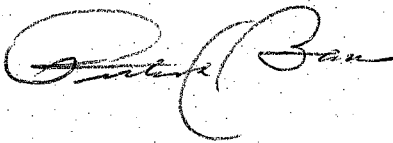


Richard J. Bara
Registration No. 7886
1155 Sherman Street, Suite 315
Denver, CO 80203
Telephone: (303) 831-7272

CERTIFICATE OF SERVICE

I hereby certify that on this ^{24th NB}22nd 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:

Isaac H. Kaiser, Esquire
370- 17th Street, Suite 4800
Denver, CO 80202-0202



M-VRS

RJB/AMR