

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-273CP

IN THE MATTER OF THE APPLICATION OF LANA ADULT DAY CARE, INC., FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING UNOPPOSED MOTION,
VACATING HEARING DATE, AND
SCHEDULING NEW HEARING DATE**

Mailed Date: July 16, 2004

I. STATEMENT

1. On May 13, 2004, Lana Adult Day Care, Inc. (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application). The Application commenced this docket.

2. The Commission gave public notice of the Application. See Notice of Applications Filed dated June 1, 2004 (Notice) at 4. That Notice, *inter alia*, established an August 13, 2004, hearing date for this proceeding.

3. Golden West Commuter, LLC (Golden West), Metro Taxi, Inc. (Metro), Denver Taxi, LLC, Boulder Shuttle, LLC, and Boulder Taxi, LLC, intervened of right. Each of these five intervenors opposes the granting of the Application.

4. On June 24, 2004, before the expiration of the intervention period, Golden West filed a Motion to Vacate and Reschedule Hearing (Motion). By Decision No. R04-0742-I, the undersigned Administrative Law Judge (ALJ) enlarged the time, to and including July 15, 2004, within which to respond to the Motion.

5. Applicant filed no response to the Motion.

6. Denver Taxi, LLC, Boulder Shuttle, LLC, and Boulder Taxi, LLC, filed no response to the Motion.

7. On July 15, 2004, Metro filed a Notice of No Objection to the Motion and Statement of Unavailable Dates (Metro Response). This is the only response filed to the Motion.

8. After consideration of the Motion, which is unopposed, the ALJ finds that the Motion states good cause. In addition, as it is unopposed, granting the Motion will not prejudice any party. The Motion will be granted.

9. After consideration of the available dates provided by Golden West in the Motion and the unavailable dates provided by Metro in the Metro Response, the hearing will be held on **August 19, 2004**. This date will permit the Commission to issue its decision in this matter within the time frame established by § 40-6-109.5, C.R.S.

10. The parties are reminded that the Notice established the procedural schedule in this proceeding. That procedural schedule has not been modified or vacated.

II. ORDER

A. It Is Ordered That:

1. Hearing in this matter will be conducted on the following date, at the following times and in the following location:

DATE: August 19, 2004

TIME: 9:00 a.m.

PLACE: Commission hearing Room
1580 Logan Street, OL2
Denver, Colorado

2. The procedural schedule established in the Notice dated June 1, 2004, and the restrictions contained in that procedural schedule, are in effect.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge