

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
REQUIRING APPLICANT TO
SHOW CAUSE WHY APPLICATION
SHOULD NOT BE DISMISSED**

Mailed Date: July 20, 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.

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

4. By Decision No. R04-0794-I the undersigned Administrative Law Judge scheduled the hearing in this matter for August 19, 2004, in Denver, Colorado.

5. The procedural schedule established in the Notice required Applicant, on or before July 12, 2004, to file with the Commission and to serve on all parties a list of the

witnesses it intended to call to testify and copies of the exhibits it intended to offer into evidence at the hearing. The Notice specifically provided that no witness will be permitted to testify and no exhibit will be received in evidence, except in rebuttal, unless the list of witnesses and copies of the exhibits are filed and served in accordance with this schedule. It also provided that the failure of Applicant to meet this requirement might result in the dismissal of the Application upon motion filed by another party or by the Commission upon its own motion, unless Applicant could show good cause for failure to meet this requirement.

6. A review of the Commission's files in this matter shows that Applicant has failed to comply with the above-described witness list and copies of exhibits filing requirement. Therefore, Applicant shall file, on or before **July 28, 2004**, a motion or other appropriate pleading, which pleading establishes good cause for Applicant's failure to so comply. The pleading shall be accompanied by Applicant's list of witnesses and copies of exhibits to be offered in Applicant's direct case.

7. **Applicant's failure to file the motion or other appropriate pleading (including its list of witnesses and copies of its exhibits) or Applicant's failure to establish good cause will result in the dismissal of the Application.**

II. ORDER

A. It Is Ordered That:

1. On or before July 28, 2004, Lana Adult Day Care, Inc., shall file a motion or other appropriate pleading with the Commission (and serve the pleading on all parties) which pleading establishes good cause for its failure to meet the witness list and copies of exhibits filing requirement set forth in the Notice of Applications Filed dated June 1, 2004. In addition and in conjunction with the filing of its motion or other appropriate pleading, Lana Adult Day Care,

Inc., shall file with the Commission (and serve on the parties) a list of the witnesses it intends to offer in support of its Application and copies of the exhibits it intends to offer in support of its Application.

2. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge