

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
VACATING HEARING AND
PROCEDURAL SCHEDULE**

Mailed Date: July 30, 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. Golden West Commuter, LLC (Golden West); Metro Taxi, Inc. (Metro); Denver Taxi, LLC; Boulder Shuttle, LLC; and Boulder Taxi, LLC (Denver Taxi *et al.*), intervened of right. Each of these intervenors opposes the granting of the Application.

3. On July 20, 2004, Applicant and Metro filed a Stipulated Motion for Imposition of Restrictive Amendment and Conditional Withdrawal of Intervention. On July 29, 2004, Applicant and Golden West filed a Stipulation of Parties, Motion to Restrictively Amend Application and to Withdraw Intervention. On July 29, 2004, Denver Taxi *et al.* filed a

Contingent Withdrawal of Interventions and Objections in which they state that amendment of the Application as set out in the agreement between Applicant and Metro would resolve their objections to the Application.

4. If the two motions are granted and the proffered restrictive amendments accepted, all interventions will be withdrawn; this matter will be uncontested; and the Application may be considered without a hearing. In light of these two motions and proffered restrictive amendments, the hearing scheduled for August 19, 2004, and the Commission-established procedural schedule will be vacated. If the stipulations are not accepted, a new hearing date will be scheduled and a new procedural schedule established.

5. This Order does not affect the shortened time for responding to Applicant's Motion to Establish Good Cause for Failure to Meet the Witness List and Copies of Exhibits Filing Requirements. *See* Decision No. 04A-0877-I. Responses are due on August 4, 2004.

II. ORDER

A. It Is Ordered That:

1. The hearing scheduled in this matter for August 19, 2004, is vacated.
2. The procedural schedule established in the Notice of Applications Filed, dated June 1, 2004, for this proceeding is vacated.
3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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