

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
DISCHARGING ORDER TO SHOW CAUSE**

Mailed Date: August 6, 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. Golden West Commuter (Golden West), LLC; Metro Taxi, Inc. (Metro); Denver Taxi, LLC; Boulder Shuttle, LLC; and Boulder Taxi, LLC,¹ intervened of right. Each of these intervenors opposed the granting of the Application.

3. By Decision No. R04-0806-I, the undersigned Administrative Law Judge (ALJ) ordered Applicant to show cause why the Application should not be dismissed for failure to meet the filing requirements established by the Commission in this proceeding.

¹ Denver Taxi, LLC; Boulder Shuttle, LLC; and Boulder Taxi, LLC are referred to as Denver Taxi *et al.*

4. On July 26, 2004, Applicant filed a Motion to Establish Good Cause for Failure to Meet the Witness List and Copies of Exhibits Filing Requirements (Motion). By Decision No. R04-0877-I the ALJ gave notice to the parties of the Motion and shortened response time.

5. Metro filed a Notice of No Objection to the Motion. In that filing Metro stated that it does not oppose the Motion. Golden West filed a response to the Motion. In that filing Golden West did not address the Motion² and, so, did not oppose the Motion. Denver Taxi *et al.* did not file a response to the Motion. Thus, no intervenor opposes the Motion.

6. In the Motion Applicant states that it did not receive the June 1, 2004, Notice of Applications Filed and, therefore, was unaware of the procedural schedule and filing dates. In addition, Applicant identifies its witnesses and provides copies of its exhibits as part of the Motion. The ALJ notes that the hearing date in this proceeding has been vacated and has not been rescheduled. See Decision No. R04-0879-I. The intervenors will not be prejudiced, therefore, by granting the Motion because, should the hearing be rescheduled, they will have (well in advance of the hearing date) the information necessary for them to prepare for hearing.

7. Based on the Motion and a review of the entire matter, the ALJ finds that the Motion states good cause for Applicant's failure to meet the filing deadlines in this proceeding. Accordingly, the ALJ will discharge the Order to Show Cause.

II. ORDER

A. It Is Ordered That:

1. The Order to Show Cause is discharged.
2. This Order is effective immediately.

² Golden West provided its dates of availability in the event that this matter does not settle. See Decision No. R04-0879-I (hearing vacated because restrictive amendments and provisional withdrawals of intervention filed).

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge