

Decision No. R04-0977-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-147CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

LEVTZOW, LLC, DOING BUSINESS AS MOUNTAIN LIMO,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
VACATING HEARING AND SETTING
NEW HEARING DATE**

Mailed Date: August 18, 2004

I. STATEMENT

1. Staff of the Commission (Staff) issued Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 28540-CPAN (the CPAN). Levtzow, LLC, doing business as Mountain Limo (Respondent), acknowledged receipt of the CPAN. *See* CPAN at 3. The CPAN, which alleges 40 violations of Commission rules, commenced this proceeding.

2. On April 16, 2004, Respondent acknowledged (*i.e.*, admitted) its liability for violations no. 10 and no. 11. On that same date Respondent requested a hearing on the remaining 38 alleged violations. The undersigned Administrative Law Judge (ALJ) scheduled a hearing in this matter for May 20, 2004.

3. Staff moved to vacate and to reschedule the hearing. The ALJ granted this motion and scheduled a hearing for August 3, 2004. Due to scheduling difficulties which subsequently arose, this hearing date was vacated on July 30, 2004, by oral order.¹ This Order memorializes that order.

4. During an August 16, 2004, telephone call, the ALJ discussed a new hearing date with counsel for Respondent and counsel for Staff. Due to the unavailability of counsel and of the ALJ and other already-scheduled matters, the parties suggested a hearing date of December 9, 2004. Counsel and witnesses are available on that date. In addition, Respondent requested that, for the convenience of Respondent's witnesses who work in the Telluride area, the hearing be held in either Telluride, Colorado or a location readily accessible from Telluride.² Staff did not oppose this request.

5. The ALJ finds that Respondent states good grounds for holding the hearing in a location readily accessible from Telluride and, therefore, will order the hearing to be held in Montrose, Colorado. In addition, the ALJ is available on December 9, 2004, and will order the hearing to be held on that date.

II. ORDER

A. It Is Ordered That:

1. The hearing scheduled for August 3, 2004, is vacated.

¹ The parties were informed by telephone that the hearing was vacated.

² Respondent's counsel represented that he may call as many as seven witnesses.

2. Hearing in this matter shall be conducted at the following date, time, and place:

DATE: December 9, 2004

TIME: 10:00 a.m.

PLACE: Montrose County Commissioners Board Room
161 South Townsend
Montrose, Colorado

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge