

Decision No. R04-1030-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-302EC

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

BUS SERVICE, INC. (THE),

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING SECOND MOTION FOR
CONTINUANCE AND
RE-SCHEDULING HEARING**

Mailed Date: August 26, 2004

I. STATEMENT

1. The captioned proceeding was initiated on or about June 1, 2004, when the Staff of the Colorado Public Utilities Commission (Staff) issued Civil Penalty Assessment Notice (CPAN) No. 28624 to the Respondent, Bus Service, Inc. (The) (Bus Service).

2. Bus Service has acknowledged liability for a portion of CPAN No. 28624 and has paid the corresponding civil penalty assessment. It has, however, contested liability for the remaining violations contained in CPAN No. 28624 and has requested a hearing in connection with those violations.

3. The matter was originally set for hearing on August 16, 2004. *See*, Decision No. R04-0686-I. However, the hearing was subsequently continued to November 16, 2004, at Staff's request. *See*, Decision No. R04-0901-I.

4. On August 9, 2004, Staff submitted a Second Motion to Continue Hearing (Motion). In support thereof, Staff indicates that the available dates for its primary witness as set forth in its initial continuance request were incomplete and, in fact, that witness is unavailable on November 16, 2004. The Motion contains a revised list of available dates.

5. Responses to the Motion were due on August 23, 2004, but none were filed. *See*, Rule 22(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-22(b). Therefore, the Motion is unopposed.

6. Good grounds having been shown, the Motion will be granted. The hearing will be re-scheduled for November 30, 2004, a date Staff has indicated its witness will be available. No further continuances will be granted to Staff absent a showing of extraordinary circumstances. It is believed that this two-week continuance will accommodate Staff's witness and provide sufficient time to address the situation surrounding the availability of Bus Service's witness as previously addressed in Decision No. R04-0901-I. If circumstances prove otherwise, Bus Service should so advise the Commission through a written motion and it will consider a further postponement of the hearing.

II. **ORDER**

A. **It Is Ordered That:**

1. The hearing of this matter scheduled for November 16, 2004, is vacated.

2. This matter is re-scheduled for hearing as follows:

DATE: November 30, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2
Denver, Colorado

3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge