

Decision No. R04-1163-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04F-475CP

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CRAIG S. SUWINSKI,

COMPLAINANT,

V.

VAIL SUMMIT RESORTS, INC.,  
KEYSTONE RESORT, INC.,

RESPONDENTS.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
VACATING HEARING AND  
PROCEDURAL SCHEDULE**

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Mailed Date: October 6, 2004

**I. STATEMENT**

1. On September 15, 2004, Craig S. Suwinski (Complainant) filed a Formal Complaint Regarding Non Filing of Schedule Changes and Providing Service Without Legal Authority (Complaint). Complainant requested an expedited process pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-61(j)(1). The Complaint commenced this proceeding.

2. On September 20, 2004, the Commission issued its Order to Satisfy or Answer addressed to Vail Summit Resorts, Inc., and Keystone Resorts, Inc. (Respondents). On that same date the Commission issued its Order Setting Hearing and Notice of Hearing. That Order set the hearing in this matter for October 7, 2004, and established a procedural schedule. By this Order

the undersigned Administrative Law Judge (ALJ) will vacate the hearing and the procedural schedule.

3. On September 30, 2004, Respondents filed their Objections to Expedited Treatment of Complaint (Objections).

4. On that same date Respondents filed a Motion to Dismiss the Complaint (Motion). As permitted by Rule 4 CCR 723-1-61(d)(2), Respondents filed the Motion in lieu of answering the Complaint. Respondents need not file an answer to the Complaint until and unless the Motion is denied. *See id.*

5. The only parties in this proceeding are Complainant and Respondents.

6. Rule 4 CCR 723-1-61(j)(5) provides that, upon written objection by a respondent, a complaint will not be treated on an expedited basis; the hearing will be reset; and the complaint will proceed in accordance with the provisions of Rules 4 CCR 723-1-61(d) through 61(g). In this case, Respondents timely filed written Objections to the request that the Complaint be treated on an expedited basis. Pursuant to Rule 4 CCR 723-1-61(j)(5), the October 7, 2004 hearing will be vacated; this matter will proceed as a complaint filed in the normal course; and Rules 4 CCR 723-1-61(d) through and including 61(g) will govern the Complaint.

7. Response to the Motion is due on or before October 13, 2004. As noted above, Respondents need not answer unless and until the Motion is denied. In view of this and in the event the Motion is denied, the ALJ will reschedule the hearing and will establish a new procedural schedule following resolution of the Motion.

8. On October 6, 2004, the ALJ notified by telephone the Complainant and the Respondents that the October 7, 2004 hearing was vacated.

**II. ORDER**

**A. It Is Ordered That:**

1. The hearing scheduled in this matter for October 7, 2004, is vacated.
2. The procedural schedule established in the Order Setting Hearing and Notice of Hearing, dated September 20, 2004, is vacated.
3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge