

Decision No. R04-1256-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04C-452CP

RE: MOTOR VEHICLE OPERATIONS OF VAIL SUMMIT RESORTS, INC., DOING
BUSINESS AS KEYSTONE RESORTS, INC., UNDER CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY PUC NO. 20195.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
REJECTING REQUESTS FOR
INTERVENTION AND CLARIFYING
STATUS OF WRITTEN COMMENTS**

Mailed Date: October 27, 2004

I. STATEMENT

1. By correspondence dated October 11, 2004, and received by the Colorado Public Utilities Commission (Commission) on October 12, 2004, the Keystone Owners' Association (Keystone Owners') requests permission to intervene in the captioned proceeding (Keystone Owners' Petition).

2. By correspondence dated October 12, 2004, and received by the Commission on October 13, 2004, the Slopeside Condominium Homeowners Association (Slopeside) also requests permission to intervene in the captioned proceeding (Slopeside Petition).¹

3. Rule 7(b)(2) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1-7(b)(2), requires that any pleading filed in a docket shall be served on or mailed to all other parties on the same day it is filed. This rule further provides

¹ The Keystone Owners' Petition and the Slopeside Petition may be collectively referred to herein as the Petitions.

that “[P]arties who intervene in dockets shall be responsible for reviewing the Commission file to determine the identity of parties to ensure that pleadings and other documents are properly served on all parties.”

4. Rule 7(b)(3) of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1-7(b)(3), provides that proof of service upon other parties of any pleading filed shall be shown by a certificate of service attached to the pleading.

5. Neither of the Petitions contain the certificate of service required by 4 CCR 723-1-7(b)(3) and, as a result, it is impossible to determine whether Keystone Owners’ or Slopeside have complied with the service requirements of 4 CCR 723-1-7(b)(2). The Petitions must, therefore, be rejected for that reason.

6. To date, the Commission has also received written comments in this matter from the following individuals and/or entities: Ed Wood, Paul A. Siegert, G. Richard Grant, Leonard J. Muller, Keystone Ranch Homeowners Association, Keystone East Ranch Homeowners Association, Keystone West Ranch Homeowners Association, Brian W. Stopps, Katheryn Kidwell and Dr. and Mrs. G. Paul DeRosa. None of the written comments submitted by these individuals or entities request permission to intervene in this proceeding. Accordingly, they are advised that such comments (many of which deal with issues that are not directly relevant to those involved in this proceeding) will not be considered unless: (a) they are granted permission to participate in this matter as an intervenor, they appear at the hearing, and they succeed in having their comments admitted into the record; or (b) they appear at the hearing as a witness on behalf of another party who succeeds in having their comments admitted into the record.

II. ORDER

A. It Is Ordered That:

1. The request to intervene in the proceeding filed by the Keystone Owners' Association is rejected.
2. The request to intervention in the proceeding filed by the Slopeside Condominium Homeowners Association is rejected.
3. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge