

Decision No. R04-1316-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-554TR

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, AS FOUND IN 4 CCR 723-6, 9,
15, 23, 31, 33, AND 35.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
MODIFYING PROCEDURAL SCHEDULE
AND SCHEDULING FINAL HEARING**

Mailed Date: November 5, 2004

I. STATEMENT

1. The captioned proceeding was initiated on January 15, 2004, through the issuance of a Notice of Proposed Rulemaking (NOPR) by the Colorado Public Utilities Commission (Commission). See, Decision No. C03-1454. Proposed rules applicable to this rulemaking proceeding were appended to the NOPR as Attachment B (Rules). The NOPR was published in *The Colorado Register* on February 10, 2004.

2. Written comments and/or proposed rule changes have been filed in this matter by a number of participants.

3. Hearings were conducted on March 22 and 23, 2004, September 13 and 14, 2004, and November 3 and 4, 2004. See Decision Nos. C03-1454, R04-0315-I, and R04-1099-I. Various parties submitted oral comments during the course of these hearings.

4. At the hearings held in this matter on November 3 and 4, 2004, the administrative law judge established a deadline for the submission of a final version of the Rules proposed by

the Commission's Staff,¹ established a deadline for the Commission's Staff to serve interested parties with a copy of its most recent written policy concerning civil penalty assessment procedures,² established a deadline for the submission of final written comments, and scheduled a final hearing date, all as set in the Order that follows.³

II. ORDER

A. It Is Ordered That:

1. The Staff of the Commission shall file with the Commission and serve all interested parties with a copy of its most recent written policy concerning civil penalty assessment procedures on or before November 5, 2004.

2. The Staff of the Commission shall file its final version of the rules that it proposes be adopted in this proceeding in redline format on or before December 31, 2004.

3. On or before February 15, 2005, any participant who wishes to do so may file written corrections and/or clarifications to previously filed comments and may file additional, and final, comments on the proposed rules or on the comments of another participant. These final written comments, taken in conjunction with any previously filed written or oral comments and/or suggested rule changes, should be a complete presentation of the participant's views on the proposed rules.

¹ The Staff's final version of the Rules will be submitted as late-filed Exhibit No. 11.

² The subject written policy will be submitted as late-filed Exhibit No. 12.

³ Scheduling a final hearing in this matter is consistent with the Commission's goal of coordinating this proceeding with other pending rulemaking proceedings. *See*, Decision No. C04-0008, Section I, Paragraph 10. In view of the numerous hearings already held in this proceeding, the administrative law judge deems it unnecessary to afford interested persons the opportunity to make oral presentations at the final hearing. *See* § 24-4-103(4)(a), C.R.S. Therefore, the participants and the public are advised that, absent further order based on a finding that extraordinary circumstances exist, no person will be permitted to make an oral presentation at the final hearing.

4. A final hearing shall be held in this matter at the following time and date:

DATE: March 15, 2005

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge