

Decision No. R04-1358-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-475CP

CRAIG S. SUWINSKI,

COMPLAINANT,

V.

VAIL SUMMIT RESORTS, INC., DOING BUSINESS AS
KEYSTONE RESORT, INC.,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
VACATING PREHEARING CONFERENCE,
SETTING HEARING DATE, AND
ESTABLISHING PROCEDURAL SCHEDULE**

Mailed Date: November 17, 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).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., doing business as Keystone Resorts, Inc. (Respondent). On that same date the Commission issued its Order Setting Hearing and Notice of Hearing. By

¹ Complainant requested an expedited process pursuant to Rule 4 *Code of Colorado Regulations* 723-1-61(j)(1). As a result of Respondent's objection to that procedure, this proceeding is not expedited. See Decision No. R04-1163-I.

Decision No. R04-1163-I the undersigned Administrative Law Judge (ALJ), to whom this matter is assigned, vacated the hearing and the procedural schedule.

3. On September 30, 2004, Respondent filed a Motion to Dismiss the Complaint. This motion was denied in Decision No. R04-1311-I.

4. Respondent filed its answer on November 15, 2004. The answer put this case at issue.

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

6. By Decision No. R04-1311-I the ALJ scheduled a prehearing conference for November 22, 2004. That Order provided that, if they chose to do so, the parties could propose a procedural schedule in advance of the prehearing conference. The parties elected to do so. After consideration of the proposed hearing date and procedural schedule, the ALJ finds the proposals to be acceptable.

7. Based on the parties' proposal, the following procedural schedule and hearing date will be adopted: (a) on or before **January 21, 2005**, Complainant will file his list of witnesses and copies of his exhibits; (b) on or before **January 31, 2005**, Respondent will file its list of witnesses and copies of its exhibits; (c) on or before **February 4, 2005**, each party will file its prehearing motions;² (d) on or before **February 4, 2005**, the parties will file any stipulation reached; (e) hearing in this matter will be held on **February 9, 2005**; and (f) on or before **February 21, 2005**, each party will file its post-hearing statement of position, to which (absent further order) no response will be permitted.

² An oral response to a prehearing motion may be made as a preliminary matter at the hearing.

8. At the time a prehearing motion is filed and at the time a stipulation is filed, the party making the filing shall provide a copy of the motion or the stipulation directly to the ALJ in her office. This requirement does not reduce the number of copies which must be filed with the Commission. *See Rule 4 Code of Colorado Regulations (CCR) 723-1-22(f)(4).*

9. No final prehearing conference will be scheduled at this time. Should a party believe that such a conference would be beneficial or is necessary, that party may file an appropriate motion to schedule a final prehearing conference.

10. The provisions of Rule 4 CCR 723-1-77 govern discovery in this proceeding.

11. As a result of the procedural schedule's being adopted, the prehearing conference scheduled for November 22, 2004, will be vacated.

12. Rule 4 CCR 723-1-22(d)(3) states: "If a pleading refers to new court cases or other authorities not readily available to the Commission, six copies of each case or other authority shall be filed with the pleading." If a party wishes the ALJ to consider a cited authority *other than* an opinion of the United States Supreme Court, a reported Colorado state court opinion, or a Commission decision, the party must provide copies of that cited authority.

13. The parties must provide the decision number when referring to or citing a Commission decision.

II. ORDER

A. It Is Ordered That:

1. The prehearing conference scheduled for November 22, 2004, is vacated.

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

DATE: February 9, 2005
TIME: 10:00 a.m.
PLACE: Commission hearing Room
1580 Logan Street, OL2
Denver, Colorado

3. The procedural schedule in this docket is: (a) on or before January 21, 2005, Complainant shall file his list of witnesses and copies of exhibits; (b) on or before January 31, 2005, Respondent shall file its list of witnesses and copies of its exhibits; (c) on or before February 4, 2005, each party shall file its prehearing motions; (d) on or before February 4, 2005, the parties shall file any stipulation reached; and (e) on or before February 21, 2005, each party shall file its post-hearing statement of position, to which (absent further order) no response will be permitted.

4. The parties shall follow the procedures and shall make the filings set out above.

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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