

Decision No. R04-1412-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-457CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

MESA VERDE COMPANY,

RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING JOINT MOTION, VACATING
HEARING DATE, ESTABLISHING FILING
DATE, AND WAIVING RESPONSE TIME**

Mailed Date: November 30, 2004

I. STATEMENT

1. On September 2, 2004, Staff of the Commission (Staff) issued Civil Penalty Assessment Notice No. 71166-CPAN (CPAN) to Respondent Mesa Verde Company (Respondent). The CPAN commenced this docket. Staff and Respondent are the only parties in this proceeding.

2. On September 30, 2004, the Commission issued its Order Setting Hearing and Notice of Hearing. That Order established a hearing date of November 17, 2004. On November 16, 2004, the undersigned Administrative Law Judge, to whom this matter is

assigned, orally granted an oral motion of the parties to vacate that hearing date. This Order memorializes that oral ruling.

3. On November 17, 2004, the parties filed a Joint Motion to Vacate Hearing (Joint Motion). In that filing the parties state that they have reached a negotiated settlement of the CPAN, request that the hearing be vacated (a request already granted), and request a period of time (to and including December 13, 2004) within which to reduce their settlement to writing.

4. The Joint Motion states good cause, and granting the Joint Motion will not prejudice any party. The Joint Motion will be granted, and the parties will be granted to and including December 13, 2004 within which to file their settlement agreement. The parties are advised that a hearing on the settlement agreement may be held.

5. Because the motion at issue is a Joint Motion, response time will be waived.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion to Vacate Hearing is granted.
2. The hearing scheduled in this matter for November 17, 2004, is vacated.
3. On or before December 13, 2004, the parties shall file a written settlement agreement.
4. Response time to the Joint Motion to Vacate Hearing is waived.
5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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