

Decision No. R04-1435-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-502CP

IN THE MATTER OF THE APPLICATION OF JOHN C. SAVILLE, DOING BUSINESS AS TAXI COMPANY (THE), FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, VACATING
HEARING, REQUIRING INTERVENOR
TO MAKE FILING, AND WAIVING RESPONSE TIME**

Mailed Date: December 3, 2004

I. STATEMENT

1. On October 7, 2004, John C. Saville, doing business as The Taxi Company (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application). The Application commenced this docket.

2. The Commission gave public notice of the Application. Notice of Application Filed dated October 18, 2004 (Notice), at 2. The Notice established an intervention period and the procedural schedule for this proceeding.

3. On October 26, 2004, RDSM Transportation, LTD, doing business as Yellow Cab Company of Colorado Springs (RDSM or Intervenor), filed an intervention of right. Included in the filing were RDSM's preliminary list of witnesses, its preliminary list of exhibits, and copies of its exhibits.

4. On November 22, 2004, the Commission issued its Order Setting Hearing and Notice of Hearing. Hearing in this matter is scheduled for December 22, 2004, in Trinidad, Colorado.

5. Pursuant to the procedural schedule established in the Notice, Applicant was to file his list of witnesses and copies of his exhibits on November 29, 2004. Review of the Commission file in this matter reveals that, as of the date of this Order, Applicant has not made that filing. The possible consequences of failing to file a list of witnesses and copies of exhibits are stated in the Notice (first page).

6. On December 2, 2004, Intervenor filed a Motion for Continuance of Hearing (Motion). As grounds for that filing, Intervenor states that its counsel is scheduled to appear in two Commission proceedings on December 22, 2004 at 9:00 a.m.; that one proceeding will be held in Denver and the other in Trinidad; that its counsel has purchased airline tickets to Denver; that its counsel will be appearing at the hearing in Denver; and that its counsel cannot appear at both proceedings.

7. The Motion states good cause. Granting the Motion will not prejudice any party. The Motion will be granted subject to the following condition: Counsel for Intervenor must contact Applicant; must arrange a hearing date acceptable to both parties; and, on or before December 22, 2004, must make a filing proposing the agreed-upon date. The hearing date will be no later than January 27, 2005 and will be on a Tuesday, Wednesday, or Thursday.¹ The hearing will be held in Trinidad, Colorado.

8. The hearing date is approaching. Response time to the Motion will be waived.

¹ As of the date of this Order, the Administrative Law Judge is **unavailable** on the following dates: January 4 and 13, 2005. Before filing the proposed hearing date, the ALJ requests that Intervenor's counsel contact her (telephone: 303.894.2842) to confirm the ALJ's availability.

II. ORDER

A. It Is Ordered That:

1. The Motion for Continuance of Hearing is granted.
2. The hearing scheduled in this matter for December 22, 2004, is vacated.
3. On or before December 22, 2004, RDSM Transportation, LTD, doing business as Yellow Cab Company of Colorado Springs, shall make a filing which contains a proposed and agreed-upon hearing date. The hearing date shall meet the criteria set out in ¶ 1.7, *supra*.
4. Response time to the Motion for Continuance of Hearing is waived.
5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge