

Decision No. R04-1443-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-147CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

LEV TZOW, LLC, DOING BUSINESS AS MOUNTAIN LIMO,

RESPONDENT.

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

Mailed Date: December 7, 2004

I. STATEMENT

1. Staff of the Commission issued Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 28540-CPAN (the CPAN). Lev tzow, LLC, doing business as Mountain Limo (Respondent), acknowledged receipt of the CPAN. See CPAN at 3. The CPAN, which alleges 40 violations of Commission rules, commenced this proceeding.

2. On April 16, 2004, Respondent acknowledged (*i.e.*, admitted) its liability for violations no. 10 and no. 11. On that same date Respondent requested a hearing on the remaining 38 alleged violations. The undersigned Administrative Law Judge scheduled a hearing in this matter for May 20, 2004. This date was subsequently changed to December 9, 2004 by Decision No. R04-0977-I.

3. On December 3, 2004, the parties filed a Joint Motion to Vacate Hearing and Approve Stipulation (Joint Motion) and for Waiver of Response Time. In support of the request to vacate the hearing, the parties state that they have filed a Stipulation and Settlement Agreement which accompanied the Joint Motion and request that the hearing be vacated.

4. This Order addresses only the request to vacate the hearing. The Joint Motion to Vacate Hearing states good cause, and granting the Joint Motion will not prejudice any party. The Joint Motion will be granted, and the hearing scheduled for December 9, 2004 will be vacated. The parties are advised that a hearing on the settlement agreement may be held.

5. Because the motion at issue is a Joint Motion, the parties request that response time be waived. This request states good cause, and granting the request will not prejudice any party. The request will be granted, and response time will be waived.

6. The Joint Motion to Approve Stipulation will be taken under advisement.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion to Vacate Hearing is granted.
2. The hearing scheduled in this matter for December 9, 2004, is vacated.
3. The Joint Motion for Waiver of Response Time is granted.
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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