

(Decision No. C93-640){PRIVATE }

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICA-)
TIONS FOR PERMANENT AUTHORITY TO)
OPERATE AS COMMON CARRIERS OR) DOCKET NO. 92M-303CP
CONTRACT CARRIERS BY MOTOR)
VEHICLE FOR HIRE TO SERVE DENVER)
INTERNATIONAL AIRPORT.)

IN THE MATTER OF THE APPLICATION)
OF ASPEN LIMOUSINE SERVICE,)
INC., D/B/A VANS TO VAIL, INC.,) DOCKET NO. 92A-175CP-
P.O. BOX 1368, GLENWOOD SPRINGS,) Extension
COLORADO 81602, TO EXTEND CERTI-)
FICATE NO. 16261 TO INCLUDE)
DENVER INTERNATIONAL AIRPORT.)

IN THE MATTER OF ASPEN LIMOUSINE)
SERVICE, INC., D/B/A VANS TO) DOCKET NO. 92A-203CP-
VAIL, INC., P.O. BOX 1368,) Extension
GLENWOOD SPRINGS, COLORADO)
81602, TO EXTEND CERTIFICATE) DECISION
NO. 14912(I), TO INCLUDE DENVER)
INTERNATIONAL AIRPORT.)

IN THE MATTER OF THE APPLICATION)
OF COLORADO MOUNTAIN EXPRESS,) DOCKET NO. 92A-635CP-
INC., P.O. BOX 50, VAIL,) Extension
COLORADO 81658, TO EXTEND CERTIFI-)
CATE NO. 7321 TO INCLUDE)
DENVER INTERNATIONAL AIRPORT.)

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Mailed Date: June 7, 1993
Adopted Date: June 4, 1993
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BY THE COMMISSION:

This docket comes before the Colorado Public Utilities Commission on the following motions: Alpine Taxi/Limo, Inc.'s and Scanticon Denver, Inc.'s Application For Reconsideration Or, Alternatively, For Further Clarification Of Commission Decision No. C93-562; Aspen Limousine Service, Inc.'s Petition For Reconsideration, Rehearing

or Reargument and Motion To Vacate Order Setting Hearings; and Yellow Cab Cooperative Association, et al.'s Reply To Motion To Vacate Order Setting Hearing. Having reviewed the same, we enter the following clarifications and orders.

Alpine Taxi and Scanticon requested clarification of seven different issues. For sake of brevity these issues are not restated here but are referred to in the order that they appear in their motions.

1. The administrative law judge is authorized to develop specific criteria under which applications will be severed from the consolidated docket.
2. The term "mutually exclusive" refers to those applications which, if one were granted, would necessarily mean the denial or "exclusion" of the other(s).
3. The administrative law judge should review the two applications referred to in the motions to determine whether they should be excluded from the consolidation. Otherwise, they should be consolidated.
4. The staff has the right to intervene in accordance with the Commission's Rules of Practice and Procedure in uncontested matters.
5. The Commission is contemplating public witness testimony in the consolidated proceeding. We contemplate that the administrative law judge can then use findings of fact made in the interim order and based on, in part, the testimony of the public witnesses for findings of fact and conclusions of law in his decisions on individual applications.

6. We anticipate that the staff and any other party may call and, if necessary subpoena, witnesses to testify as to facts relevant to the issues in these proceedings.
7. Determinations of admissibility shall be made by the administrative law judge.

THEREFORE THE COMMISSION ORDERS THAT:

1. Decision No. R93-606-I is hereby modified as follows:
 - a. The evidentiary hearings currently scheduled for June 8, 10, and 11 are vacated and a prehearing conference is hereby ordered for June 8, 1993. Parties shall be prepared to discuss issues of scheduling, length of hearings, discovery matters, and other procedural issues. The public comment hearing currently scheduled June 8, 1993, from 4 to 7 p.m. is not vacated and will proceed as scheduled. The administrative law judge may schedule a second public witness hearing if he determines that a second hearing is in the public interest.
2. Decision No. C93-562 is hereby modified as follows:
 - a. The September 1, 1993 date set forth in the second full paragraph on page 6 is hereby changed to October 1, 1993.
 - b. The interim order, which relates to the consolidated issues and is referred to in the second full paragraph of page 3, is subject to motions to alter or amend under Rule 86 of the Commission's Rules of Practice and Procedure. Any such motion to alter or amend shall be filed within ten days of the mailing of the interim order and shall be resolved on an expedited basis by the Commissioners. Parties wishing to alter or amend the findings of fact must

provide the Commissioners with the necessary transcripts
at the time the motion to alter or amend is filed.

- c. The clarifications sought by Alpine Taxi and Scanticon and made
above are incorporated herein by reference.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING June 4, 1993.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

_ Commissioners

COMMISSIONER VINCENT MAJKOWSKI ABSENT