

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-469CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF ARROW EXPRESS, LLC, FOR AN ORDER
OF THE COMMISSION AUTHORIZING AN EXTENSION OF OPERATIONS UNDER
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55711.

**COMMISSION ORDER REMANDING CASE TO
ADMINISTRATIVE LAW JUDGE**

Mailed Date: February 27, 2004
Adopted Date: February 25, 2004

I. BY THE COMMISSION

A. Statement

1. On January 6, 2004, the Administrative Law Judge (ALJ) issued Recommended Decision No. R04-0013 in this matter. This removed the jurisdiction of the ALJ to address this case save for the issuance of errata used to correct typographical errors and other errors that are clerical in nature.

2. The ALJ then issued two errata (Decision Nos. R04-0013-E and E2) addressing the merits of this case, and an interim decision (Decision No. R04-0098-I) which, pursuant to Commission Rule 4 *Code of Colorado Regulations* 723-1-86(a), should be issued prior to the issuance of a recommended decision. In the interim order, the ALJ granted an extension of time to file exceptions until February 13, 2004.

3. The intervenor, Golden West Commuter, LLC then filed a Motion for Errata Notice, and Alternate Rule 3 Motion for Variance of Rules, and a Motion to Extend Date for Filing Exceptions Pending Rulings on Relief Sought Herein, on February 13, 2004. Although

addressed to the ALJ, this motion is currently before the Commission because the ALJ no longer has jurisdiction over the matter, having issued a recommended decision.

4. However, because of the awkward procedural posture of the case and the need to address potential problems with the errata issued by the ALJ, we find good cause to remand this matter back to the ALJ for consideration of the motion currently before the Commission, and if needed, the issuance of a revised recommended decision. This order will clear up any jurisdictional ambiguities.

II. ORDER

A. The Commission Orders That:

1. This matter is remanded to the Administrative Law Judge for consideration of Intervenor Golden West Commuter, LLC's Motion for Errata Notice, and Alternate Rule 3 Motion for Variance of Rules, and Motion to Extend Date for Filing Exceptions Pending Rulings on Relief Sought Herein.

2. The Administrative Law Judge may issue a revised recommended decision if that is appropriate.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
February 25, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners