

Decision No. C04-0969

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04C-428CP

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IN THE MATTER OF MOTOR VEHICLE COMMON AND CONTRACT CARRIERS  
LISTED IN APPENDIX A TO THIS DECISION, RESPONDENTS.

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**ORDER TO SHOW CAUSE AND NOTICE OF HEARING  
FOR TRANSPORTATION UTILITIES**

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Mailed Date: August 19, 2004

Adopted Date: August 18, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. Those entities listed on Attachment provide common carrier or contract carrier transportation services within the State of Colorado. Therefore, they are required to submit an Annual Report by the following April 30. *See 4 Code of Colorado Regulations (CCR) 723-1-25(f).*

2. An Annual Report form was mailed to those entities listed on the Attachment on February 26, 2004.

3. Pursuant to §§ 40-10-112 and 40-11-110, C.R.S., the Commission may suspend, revoke, alter, or amend any Certificate of Public Convenience and Necessity or Permit issued by the Commission for failure to observe any of the proper orders, rules, or regulations of the Commission.

**B. Findings of Fact**

1.4. The Staff of the Commission (Staff) has reviewed Commission records and data submitted by those entities listed on the Attachment. Staff has determined that as of

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August 17, 2004, those entities listed on the Attachment have not submitted the Annual Report that was due on April 30, 2004, and may therefore have failed to comply with the reporting requirements of Rule 25(f), 4 CCR 723-1.

**C. Conclusions**

~~4.5.~~ Sufficient cause exists to ~~show cause and~~ hold a hearing to determine the facts of the matter, to hear material arguments, to receive evidence and testimony, and to determine what penalty or remedy, if any, shall be imposed by order of the Commission.

~~2.6.~~ If the Commission determines that it is appropriate to do so, the Commission may issue a decision that revokes the Certificate of Public Convenience and Necessity or Permit of any Attachment entity.

**II. ORDER**

**A. The Commission Orders That:**

~~1.~~ Those entities listed in the Attachment shall appear before the Commission, as set forth below, to show cause why the Commission should not take action and enter a decision, including but not limited to an order revoking the Certificate of Public Convenience and Necessity or Permit of any Attachment entity.

~~4.2.~~ Docket No. 04C-428CP is set for hearing before an Administrative Law Judge for the Colorado Public Utilities Commission:

Date:	October 20, 2004
Time:	1:00 p.m.
Place:	Colorado Public Utilities Commission Logan Tower, Office Level 2 1580 Logan Street Denver, Colorado

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~~2.3.~~ The Staff of the Public Utilities Commission shall file, at least 30 days before hearing: (1) two copies of a list containing the name, address, and title of each of its witnesses; and (2) two copies of each of the exhibits which it plans to present at the hearing. Copies of the witness list and exhibits shall be served upon all parties to the proceeding.

~~3.4.~~ All entities listed on the Attachment shall file, at least 20 days before hearing: (1) two copies of a list containing the name, address, and title of each of its witnesses; and (2) two copies of each of the attachments which it plans to present at the hearing. Copies of the witness list and attachments shall be served upon all parties to the proceeding.

~~4.5.~~ No witness shall be permitted to testify nor shall any document be received in evidence, except in rebuttal, unless filed and served as provided in this Order.

~~5.6.~~ If Commission Staff or any Attachment entity fails to meet the above requirements, the Commission may dismiss the proceeding or any defense, upon motion filed by any other party, unless good cause for non-filing is shown.

~~6.7.~~ No motion for continuance shall be granted if filed within 20 days before the first day of the hearing, except for good cause shown.

~~7.8.~~ No exception to the procedure in the Order shall be made except upon timely motion showing good cause.

8.9. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

I/TRANS/ORDERS/04C-428CP