

Decision No. C04-1059

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04G-101CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

v.

NEMARDA CORPORATION DOING BUSINESS AS
AIRPORT BOULEVARD CO. AND/OR ABC SHUTTLE,

RESPONDENT.

DOCKET NO. 04G-266CP

COLORADO PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

v.

TOWN AND COUNTRY TRANSPORTATION SERVICES, INC.,

RESPONDENT.

**ORDER GRANTING EXTENSION OF
TIME AND CONSOLIDATING DELIBERATIONS**

Mailed Date: September 3, 2004

Adopted Date: August 25, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Commission Staff's (Staff) motion for: (1) an extension of time to file its response to exceptions filed by

Town and Country Transportation Services, Inc. (Town and Country), in Docket No. 04G-266CP and an extension of time in which to file an application for rehearing, reargument, or reconsideration in Docket No. 04G-101CP until September 3, 2004; and (2) to combine deliberations in the two dockets.

2. Respondent Town and Country, in Docket No. 04G-266CP, filed a response to Staff's motion, and indicated it did not object to the motion.

3. As grounds for the requested extension of time, Staff states that its attorney has been consumed with the application of Public Service Company of Colorado for authorization to implement a monthly gas cost adjustment mechanism among other matters currently docketed before the Commission.

4. The motion is unopposed, and counsel for Town and Country does not object. It appears that no party will be prejudiced by granting extra time.

5. The request for extension of time is made within the 20-day deadlines in each docket for filing exceptions and an application for rehearing, reargument, or reconsideration.

6. In addition, Town and Country's response indicates that it is willing to grant the extension of time, but it seeks to limit the scope of the inquiry to the Commission's dismissal of the matter as a nullity.

B. Findings

7. It does appear that the legal issues to be addressed in Docket No. 04G-266CP will neatly overlap the legal issues in Docket No. 04G-101CP. The key issue in both dockets is the appearance of Staff before the Commission without counsel and how this affects Staff's case. We agree that combining the deliberations in both matters would be administratively efficient.

8. We believe that Staff has provided a sufficient reason for granting an extension of time through the close of business on September 3, 2004 for the filing of a response to exceptions in Docket No. 04G-266CP and an application for rehearing, reargument, and reconsideration in Docket No. 04G-101CP. No party will be prejudiced by the extension of time.

9. Because the recommended decision in Docket No. 04A-101CP was struck as a nullity, and did not address the merits of Staff's case, we believe it prudent to limit the combined deliberations to the question of Staff's appearance before the Commission without an attorney. Any additional matters can be addressed separately.

II. ORDER

A. The Commission Orders That:

1. Commission Staff shall receive an extension of time, through September 3, 2004 to file an application for rehearing, reargument, or reconsideration in Docket No. 04G-101CP, and an extension of time through September 3, 2004 to file a response to exceptions filed in Docket No. 04G-266CP.

2. The Commission shall combine deliberations in Dockets Nos. 04G-101CP and 04G-266CP with respect to Commission treatment of Commission Staff's appearance without an attorney in those dockets.

3. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners