

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

DOCKET NO. 03A-432CP

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IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWDER, INC.,  
4950 SOUTH YOSEMITE, F-2, #118, GREENWOOD VILLAGE, COLORADO 80111 FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A  
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
SHORTENING RESPONSE TIME**

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Mailed Date: January 2, 2004

**I. STATEMENT**

1. The captioned application of Rocky Mountain Powder, Inc. (RMPI), was filed with the Colorado Public Utilities Commission on September 29, 2003, and is currently scheduled for hearing on January 12, 2004. *See*, Decision No. R03-1343-I.

2. On December 31, 2003, RMPI filed a Motion to Vacate and Reschedule Hearing Pending Outside Settlement of Interventions (Motion). The Motion requests that the January 12, 2004, hearing be continued to sometime in April 2004 in order to allow RMPI to negotiate settlement agreements with the current intervenors.<sup>1</sup>

3. The Motion does not indicate whether RMPI has obtained the current intervenors consent to its continuance request. Therefore, it is necessary to provide such intervenors an

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<sup>1</sup> The Motion does not contain a waiver of § 40-6-109.5(2), C.R.S. It is noted that the Commission deemed this application complete on November 7, 2003. Therefore, unless RMPI specifically waives this provision, a hearing in April 2004 will not provide the Commission with sufficient time to issue its decision within the 210-day period provided by that statute. Absent such a waiver, the administrative law judge calculates that the hearing will have to be completed no later than March 8, 2004, to ensure compliance with § 40-6-109.5(2), C.R.S.

opportunity to respond to the Motion before it can be deemed “at issue”. Since the normal 14-day response time to the Motion will not expire until after the currently scheduled hearing date, it is appropriate to shorten the response time to January 8, 2004, in order to resolve the Motion prior to hearing. *See, 4 Code of Colorado Regulations 723-1-22(b)* (Commission may, on its own motion, shorten the time for filing a response).

## **II. ORDER**

### **A. It Is Ordered That:**

1. Any desired responses to the Motion to Vacate and Reschedule Hearing Pending Outside Settlement of Interventions filed in this matter by Rocky Mountain Powder, Inc., shall be filed with the Commission on or before January 8, 2004.
2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge

