Decision No. R04-0007-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03G-472CP

COLORADO PUBLIC UTILITIES COMMISSION,

 COMPLAINANT,

V.

EAST WEST RESORT TRANSPORTATION, LLC, DOING BUSINESS AS
 COLORADO MOUNTAIN EXPRESS AND/OR CME PREMIER AND/OR
 PREMIER VIP TRANSPORTATION AND/OR RESORT EXPRESS
 A/K/A COLORADO MOUNTAIN EXPRESS, LLC,

 RESPONDENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING JOINT MOTION,
SETTING HEARING DATES,
ESTABLISHING FILING DATES,
AND WAIVING RESPONSE TIME**

Mailed Date: January 5, 2004

I. **STATEMENT**

 1. Staff of the Commission (Staff) issued Civil Penalty Assessment Notice or Notice of Complaint to Appear No. 28339-CPAN (the CPAN) on October 1, 2003. The CPAN commenced this proceeding.

 2. On October 29, 2003, the Commission set this matter for hearing. *See* Order Setting Hearing and Notice of Hearing. On motion of East West Resort Transportation, LLC, doing business as Colorado Mountain Express and/or CME Premier and/or Premier VIP Transportation and/or Resort Express, also known as Colorado Mountain Express, LLC

(Respondent), the undersigned Administrative Law Judge vacated the hearing date and required Respondent to file proposed hearing dates. *See* Decision No. R03-1315-I.

3.   The only parties in this proceeding are Respondent and Staff.

4.   On January 2, 2004, Respondent and Staff filed a Joint Motion to Set Hearing and Establish Procedures (Joint Motion). In the Joint Motion the parties request the following procedural schedule: (a) on or before **January 30, 2004**, Staff to file its list of witnesses and copies of its exhibits; (b) on or before **February 11, 2004**, Respondent to file its list of witnesses and copies of its exhibits; and (c) the hearing to be held **February 24 and 25, 2004**.

5.   The Joint Motion states good cause, and granting the Joint Motion will not prejudice any party. The Joint Motion will be granted. The proposed schedule and hearing dates will be adopted. In addition, the requirements in ¶¶ 6 through 8, *infra*, will be adopted.

6.   The list of witnesses shall include the following information for each witness identified: name of the witness, address of the witness, telephone number of the witness, a statement of the substance of the witness's testimony, and identification of the exhibit(s) which the witness will sponsor.

7.   If the parties reach a settlement of this proceeding, the parties will file the written settlement on or before **February 20, 2004**. If an all-issue settlement is filed, the scheduled hearing will be used to take testimony in support of the settlement. If a settlement which does not settle all issues is filed, the hearing will proceed as scheduled; and testimony in support of the settlement will be taken as part of the testimony of each party.

8.   The parties did not address whether or not they wish to offer closing statements of position and, if they do, whether the closing statements of position would be written or oral. The issue of statements of position will be addressed at the hearing.

9.   Staff and Respondent are the only parties in this proceeding, and each is a signatory to the Joint Motion. As a result, response time to the Joint Motion will be waived.

II.   ORDER

A.   It Is Ordered That:

1.   The Joint Motion to Set Hearing and Establish Procedures is granted.

2.   Hearing shall be conducted in this matter at the following dates, time, and place:

DATES: February 24 and 25, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
                     1580 Logan Street, OL-2
                     Denver, Colorado

3.   The procedural schedule and requirements set out above in this Order are adopted. *See* ¶¶ I.4 and I.6 through and including I.8.

4.   The parties shall make the filings and follow the procedures specified above.

5.   Response time to the Joint Motion to Set Hearing and Establish Procedures is waived.

6.   This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

_____
Administrative Law Judge

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