

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-461CP

IN THE MATTER OF THE APPLICATION OF KYLE BUIS, DOING BUSINESS AS
PEGASUS TRANSIT, 4421 SOUTH STOVER, SUITE 4, FORT COLLINS, COLORADO
80525 FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE
AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
SETTING HEARING AND ESTABLISHING
PROCEDURAL SCHEDULE**

Mailed Date: January 9, 2004

I. STATEMENT

1. The captioned application of Kyle Buis, doing business as Pegasus Transit (Pegasus), was filed with the Colorado Public Utilities Commission (Commission) on October 21, 2003, and was published in the Commission's "Notice of Applications Filed" on October 27, 2003.

2. Timely interventions have been filed in this matter by Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc. (Shamrock Taxi), and Greeley Airport Shuttle, Inc., doing business as Rocky Mountain Shuttle, Ltd. (RMS).

3. This matter was originally scheduled for hearing on December 30, 2003, in Ft. Collins, Colorado. However, the hearing was vacated as a result of Pegasus' failure to properly file and serve its witness/exhibits list as required by Rule 71(b)(4) of the Commission's *Rules of Practice and Procedure*, 4 *Code of Colorado Regulations* 723-1-71(b)(4). See, Decision No. R03-1457-I.

4. In Decision No. R03-1457-I the administrative law judge (ALJ) requested that the parties advise him of their availability for a re-scheduled hearing to be held prior to March 31, 2004, on or before January 7, 2004. He further advised that any party who failed to submit a timely advisement would be presumed to be available on any business day between the date of that decision and March 31, 2004. Finally, he indicated that it might not be possible to re-schedule the hearing on dates available to all concerned in light of the statutory deadline imposed by § 40-6-109.5(2), C.R.S., and/or hearing room availability in Ft. Collins, Colorado.

5. Shamrock Taxi and RMS filed timely advisements in response to Decision No. R03-1457-I. Pegasus did not.

6. The Commission deemed this application complete as of December 3, 2003. Therefore, in the absence of a waiver, the hearing of this matter must be completed on or before March 31, 2004, in order to ensure compliance with § 40-6-109.5(2), C.R.S.¹ Shamrock Taxi has advised that it is unavailable for hearing on all days in January, February, and March 2004, except March 29, 30, and 31, 2004. Unfortunately, the ALJ is unavailable on those days due to hearings already scheduled in another proceeding. *See*, Docket No. 03A-426T. Therefore, the hearing must be re-scheduled at an earlier time notwithstanding Shamrock Taxi's advisement of its unavailability.

7. The procedural schedule governing this proceeding is set forth in the Order that follows.

¹ The 210-day deadline imposed by § 40-6-109.5(2), C.R.S., expires on June 30, 2004. However, the hearing must be completed at least 90-days prior to that date to allow sufficient time for filing post-hearing briefs and/or administrative appeals.

II. ORDER**A. It Is Ordered That:**

1. Kyle Buis, doing business as Pegasus Transit, shall file with the Commission and serve on all parties his list of witnesses and copies of exhibits on or before February 11, 2004.

2. Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., and Greeley Airport Shuttle, Inc., doing business as Rocky Mountain Shuttle, Ltd., shall file with the Commission and serve on all parties any desired supplemental list of witnesses and copies of exhibits on or before February 26, 2004.

3. The witness/exhibits list filing and service requirements set forth above shall be governed by all applicable provisions of the Commission's *Rules of Practice and Procedure*, 4 *Code of Colorado Regulations* 723-1.

4. The hearing of this matter is scheduled as follows:

DATES: March 11 and 12, 2004

TIME: 10:00 a.m.

PLACE: Conference Room A-Second Floor
Larimer County Courthouse
201 LaPorte Street
Ft. Collins, Colorado

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge