

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-432CP

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.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION TO VACATE
AND RE-SCHEDULE HEARING, IN PART**

Mailed Date: January 9, 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 opposing parties.

3. On January 2, 2004, response time to the Motion was shortened to January 8, 2004. *See*, Decision No. R04-0003-I.

4. On January 7, 2004, Intervenor, Denver Mountain Express, Inc. (DME), filed a response to the Motion. DME does not object to the relief requested by the Motion but indicates

that it is unavailable for hearing prior to May of this year. No other Intervenor responded to the Motion.

5. The Commission favors negotiated settlements of contested proceedings. As a result, good grounds exist for granting the Motion, at least in part. The January 12, 2004, hearing date will be vacated. However, as indicated in footnote 1 of Decision No. R04-0003-I, since RMPI has not waived the provisions of § 40-6-109.5(2), C.R.S., the hearing will have to be completed no later than March 8, 2004, to ensure compliance with that statute. Accordingly, the matter will be re-scheduled for hearing on March 4 and 5, 2004.

II. ORDER

A. It Is Ordered That:

1. The Motion to Vacate and Reschedule Hearing Pending Outside Settlement of Interventions filed in this matter by Rocky Mountain Powder, Inc., is granted, in part.

2. The hearing of this matter, currently scheduled for January 12, 2004, is vacated.

3. Rocky Mountain Powder, Inc., shall file with the Commission and serve on all parties its list of witnesses and copies of exhibits on or before February 4, 2004.

4. Intervenor shall file with the Commission and serve on all parties their list of witnesses and copies of exhibits or any desired supplemental witness/exhibits list on or before February 19, 2004.

5. 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.

6. This matter is re-scheduled for hearing as follows:

DATES: March 4 and 5, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, Office Level 2
Denver, Colorado

7. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge