

**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  
REJECTING NOTICE OF WITHDRAWAL**

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Mailed Date: April 23, 2004

**I. STATEMENT**

1. On April 22, 2004, legal counsel for Denver Mountain Express, Inc. (DME), filed a pleading entitled “Notice of Withdrawal by Gouger and Franzmann, LLC’s as Attorneys for Denver Mountain Express, Inc.” (Notice) in the captioned matter. The Notice purports to advise the Commission and all parties to this proceeding of the withdrawal of Gouger and Franzmann, LLC as counsel for DME in this matter.

2. Rule 21(c) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-21 (Rule 21(c)), governs the withdrawal of legal counsel in Commission proceedings. It requires the submission of a motion and notice of withdrawal containing, among other things, a list of all pending hearing dates. It also requires that the motion/notice be served on all parties, including the party represented. The motion/notice cannot be ruled upon until the expiration of a ten-day notice period.

3. The Notice does not comply with Rule 21(c) since it does not include a list of pending hearing dates in this matter. Also, while it contains a certification that DME has been apprised of the notification requirements, the Certificate of Service attached to the Notice does not include DME. Therefore, it is impossible to determine whether DME has been served with a copy of the Notice as required by Rule 21(c).

4. For these reasons, the Notice must be rejected. Gouger and Franzmann, LLC may wish to resubmit a motion/notice in compliance with Rule 21(c) at least ten days in advance of the commencement of the hearing of this matter.

## **II. ORDER**

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

1. The Notice of Withdrawal by Gouger and Franzmann, LLC's as Attorneys for Denver Mountain Express, Inc., submitted in this matter is rejected.
2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge