

Decision No. R04-0711-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-154CP

IN THE MATTER OF THE APPLICATION OF MICHAEL ALBERT MURRELL,
D/B/A VALLEY TAXI, P.O. BOX 1272, GLENWOOD SPRINGS, COLORADO 81602
FOR AN EXTENSION OF OPERATIONS UNDER CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY PUC NO. 55723.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
REQUIRING APPLICANT TO SHOW CAUSE WHY
APPLICATION SHOULD NOT BE DISMISSED**

Mailed Date: June 25, 2004

I. STATEMENT

1. The captioned application of Michael Albert Murrell, doing business as Valley Taxi (Valley Taxi), was filed with the Colorado Public Utilities Commission (Commission) on May 29, 2004, and was published in the Commission's "Notice of Applications Filed" on April 5, 2004.

2. Current Intervenors in this proceeding include Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi, Inc.; Vail Valley Taxi, Inc.; and Snow Limousine, Inc.¹

¹ The intervention of Tazco, Inc., doing business as Sunshine Taxi, has been withdrawn. *See*, Decision No. R04-0678-I.

3. This case is currently scheduled for hearing in Glenwood Springs, Colorado, on July 8 and 9, 2004. *See*, Decision No. R04-0540-I.

4. The procedural schedule established in this matter required Valley Taxi to file with the Commission and serve all parties with a list of witnesses it intended to call to testify and copies of exhibits it intended to offer into evidence at the hearing on or before June 18, 2004. *See*, Section II, Paragraph A.4. of Decision No. R04-0540-I.

5. Section II, Paragraph A.6. of Decision No. R04-0540-I specifically provided that no witness will be permitted to testify and no exhibit will be received in evidence, except in rebuttal, unless filed and served pursuant to this requirement. It also provided that the failure of Valley Taxi to meet this requirement may result in the dismissal of its application upon motion filed by another party **or by the Commission upon its own motion**, unless good cause for failure to meet such requirements is shown.

6. A review of the Commission's files in this matter indicates that Valley Taxi has failed to comply with the above-described witness and exhibit list filing requirement. Therefore, Valley Taxi shall, on or before July 2, 2004, file a pleading with the Commission establishing good cause for its failure to so comply. Its failure to file such a pleading, or to establish good cause therein, will result in the dismissal of this application.

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

1. On or before July 2, 2004, Michael Albert Murrell, doing business as Valley Taxi, shall file a pleading with the Colorado Public Utilities Commission in this matter establishing good cause for its failure to meet the witness and exhibit list filing requirement set forth in Section II, Paragraph A.4. of Decision No. R04-0540-I.

2. This Order shall be effective immediately.²

² In addition to service by mail, a copy of this decision was provided to counsel for Valley Taxi, Timothy Whitsett, via facsimile transmission (970-963-6667) and to counsel for the remaining Intervenors, I. H. Kaiser (ikaizer@bw-legal.com) and Charles Kimball (knpc@uswest.net), electronically on June 25, 2004.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge