

Decision No. R04-0742-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-273CP

IN THE MATTER OF THE APPLICATION OF LANA ADULT DAY CARE, INC., 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
MANA L. JENNINGS-FADER
EXTENDING TIME TO RESPOND
TO MOTION TO VACATE AND
RESCHEDULE HEARING**

Mailed Date: July 6, 2004

I. STATEMENT

1. On May 13, 2004, Lana Adult Day Care, Inc. (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application). The Application commenced this docket.

2. The Commission gave public notice of the Application. *See* Notice of Applications Filed dated June 1, 2004 (Notice) at 4. That Notice established a 30-day intervention period, a procedural schedule, and a hearing date for this proceeding. The hearing is scheduled for August 13, 2004.

3. On June 16, 2004, Golden West Commuter, LLC (Golden West), intervened of right. Golden West opposes the granting of the Application.

4. On June 24, 2004, seven days before the expiration of the intervention period, Golden West filed a Motion to Vacate and Reschedule Hearing (Motion)¹ and served the Motion on counsel for Applicant. At the time the Motion was filed, Applicant was the only other party in this proceeding. Unless the time is extended, response to the Motion is due on or before July 8, 2004. *See Rule 4 Code of Colorado Regulations 723-1-22.*

5. On June 29, 2004, Metro Taxi, Inc. (Metro), timely intervened of right in this proceeding. Metro opposes the granting of the Application.

6. On July 1, 2004, Denver Taxi, LLC, Boulder Shuttle, LLC, and Boulder Taxi, LLC, timely intervened of right in this proceeding. These intervenors oppose the granting of the Application.

7. The intervention period in this docket expired on July 1, 2004.

8. There is no indication in the Commission's files that any party other than the Applicant was served with a copy of the Motion after it intervened. To provide the other parties time within which to formulate their response, the time for response to the Motion will be enlarged to and including July 15, 2004. This enlargement of time applies to all parties.

9. If there is no opposition to the Motion, the parties are encouraged to file, on or before July 15, 2004, three proposed hearing dates which are available to the parties, their counsel, and their witnesses. **Golden West will be responsible for coordinating the proposed hearing dates and making the filing.** In this regard, the parties are advised that the Administrative Law Judge is unavailable from August 23, 2004 to and including September 27, 2004.

¹ A copy of the Motion is attached as Appendix A to this Order.

II. ORDER

A. It Is Ordered That:

1. The time for responding to the Motion to Vacate and Reschedule Hearing is enlarged to and including July 15, 2004.
2. If there is no objection to the granting of the Motion to Vacate and Reschedule Hearing, the parties shall follow the procedures, and Golden West shall make the filing, as set forth above.
3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge