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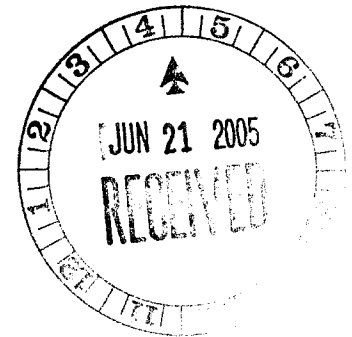
ENTERED
Office of Proceedings

JUN 21 2005

June 21, 2005

Part of
Public Record
VIA MESSENGER

Mr. Vernon Williams, Secretary
Office the Secretary
Surface Transportation Board
1925 K Street, NW, Room 700
Washington, DC 20423-0001



**Re: STB Docket No. MC-F-21008 -
East West Resort Transportation, LLC, and TMS LLC, d/b/a Colorado
Mountain Express - Petition For Declaratory Order -
Motor Carrier Transportation of Passengers In Colorado**

Dear Secretary Williams:

Enclosed please find an original and 11 copies of Colorado Public Utilities Commission's Second Unopposed Motion To Modify Procedural Schedule, in the above-referenced proceeding. Please date stamp and return one copy to our messenger for our records.

If you have any questions concerning this, please to not hesitate to contact me.

Best regards,

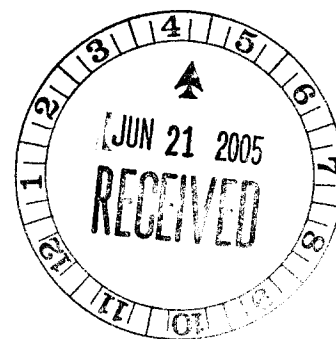
Edward D. Greenberg

EDG:kmd
Enclosures

cc: All other parties of record (via U.S. Mail and Email)
David Konschnik (via Messenger)

214223

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



ENTERED
Office of Proceedings

STB Docket No. MC-F-21008

JUN 21 2005

Part of
Public Record

EAST WEST RESORT TRANSPORTATION, LLC,
AND TMS, LLC, d/b/a
COLORADO MOUNTAIN EXPRESS
-PETITION FOR DECLARATORY ORDER-
MOTOR CARRIER TRANSPORTATION OF PASSENGERS IN COLORADO

COLORADO PUBLIC UTILITIES COMMISSION'S
SECOND UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE

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Attorneys for The Public Utilities Commission of
the State of Colorado

Dated: June 21, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

STB Docket No. MC-F-21008

EAST WEST RESORT TRANSPORTATION, LLC.
AND TMS, LLC, d/b/a
COLORADO MOUNTAIN EXPRESS
-PETITION FOR DECLARATORY ORDER-
MOTOR CARRIER TRANSPORTATION OF PASSENGERS IN COLORADO

COLORADO PUBLIC UTILITIES COMMISSION'S
SECOND UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE

The Public Utilities Commission of the State of Colorado ("CPUC"), by and through the Colorado Attorney General, hereby submits this second unopposed motion to modify the procedural schedule with respect to the petition for declaratory order filed by East West Resort Transportation, LLC and TMS, LLC d/b/a Colorado Mountain Express ("CME"). CPUC makes this motion pursuant to 49 C.F.R. § 1104.7(b). In support, CPUC states as follows.

1. By its Decision dated June 9, 2005, the Board granted CPUC's first unopposed motion for extension of time. In the June 9, 2005 decision, the Board established July 1, 2005 as the due date for CPUC's reply to CME's petition for declaratory order. In that same decision, the Board established July 18, 2005 as the due date for CME's rebuttal statement.

2. As noted by CPUC in its first unopposed motion for extension of time dated June 7, 2005 (in footnote 1) the agreed to, and now presently established, procedural dates were contingent upon the taking of depositions on or before June 20, 2005. These depositions are the ones for which the Board issued subpoenas by its June 1, 2005 decision. Unfortunately, and despite the best efforts of counsel and the deponents, the schedules of Mr. Christopher Jarnot and Ms. Susan Rubin-Stewart, both of Vail Resorts Management, have precluded the taking of depositions as of the date of this motion.

3. The depositions of Mr. Jarnot and Ms. Rubin-Stewart will likely be taken in mid-July, although actual deposition dates have not been set as of the filing of this motion.¹ Because the aforementioned depositions must necessarily be taken prior to the due date of CPUC's reply statement, CPUC now seeks a further modification to the procedural schedule in this matter.

4. By mutual agreement that accommodates the likelihood of a mid-July deposition date for Mr. Jarnot and Ms. Rubin-Stewart and the other professional obligations of counsel, CPUC and CME seek a decision of the Board that establishes the following procedural schedule:

August 17, 2005 – due date for CPUC's reply to CME's petition for
declaratory order
September 1, 2005 – due date for CME's rebuttal statement

¹ CPUC reserves the right to seek further modifications to the procedural schedule in this matter if the depositions of Mr. Jarnot and Ms. Rubin-Stewart still cannot be taken on or before August 4, 2005.

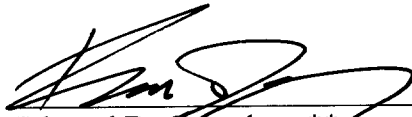
5. Counsel for CPUC has conferred with Mr. Tom Burke, counsel for CME, and is authorized to state that CME supports this motion and the procedural schedule set forth above.

WHEREFORE, CPUC respectfully requests that the Board grant this unopposed motion and modify the procedural schedule such that August 17, 2005 is the due date for CPUC's reply to CME's petition for declaratory order and September 1, 2005 is the due date for CME's reply statement.

Dated this 21st day of June, 2005.

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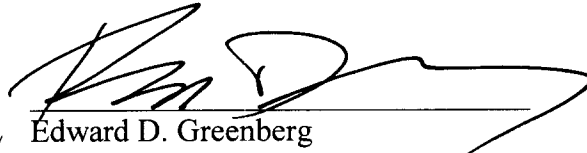
Attorneys for the Public Utilities Commission of
the State of Colorado

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within COLORADO PUBLIC UTILITIES COMMISSION'S SECOND UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE upon all parties herein by electronic mail and depositing copies of same in the United States mail, first class postage prepaid, or as otherwise indicated, at Denver, Colorado, this 21st day of June, 2005, addressed as follows:

Thomas J. Burke Jr.
Jones & Keller
1625 Broadway, Suite 1600
Denver, CO 80202

Fritz R. Kahn
Fritz R. Kahn P.C.
1920 N Street NW 8TH Floor
Washington, DC 20036-1601



Edward D. Greenberg