

Decision No. R03-0008-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-412CP

IN THE MATTER OF THE APPLICATION OF BOULDER EXPRESS, LLC, D/B/A BLUE SKY SHUTTLE (FORMERLY OWNER/DRIVER UNITED CORP., D/B/A BLUE SKY SHUTTLE), 1412 WEST 104TH AVENUE, SUITE 114, NORTHGLENN, COLORADO 80234 FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

DOCKET NO. 02A-410CP

IN THE MATTER OF THE APPLICATION OF FLYING EAGLE EXPRESS SHUTTLE SERVICE, INC., 13024 EAST ALASKA PLACE, AURORA, COLORADO 80012 FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

DOCKET NO. 02A-471CP

IN THE MATTER OF THE APPLICATION OF OVERSEAS EMPORIUM, INC., 16740 EAST ILIFF AVENUE, AURORA, COLORADO 80013 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
DENYING METRO TAXI, INC.'S
THIRD MOTION *IN LIMINE***

Mailed Date: January 2, 2003

I. STATEMENT

1. On December 27, 2002, Metro Taxi, Inc. (Metro Taxi), filed its Third Motion *In Limine* (Motion) in the captioned proceedings. The Motion requests an order prohibiting Overseas Emporium, Inc. (OE), from introducing any evidence of any purported problems with

the services of Metro Taxi subsequent to June 9, 2002, as a result of OE's alleged failure to properly respond to discovery.¹

2. Responses to the Motion were due on December 30, 2002, under the provisions of Decision No. R02-1284-I. OE did not respond to the Motion. Its President, Mr. Anwar M. Ahmed, did, however, file what appears to be supplemental responses to Metro Taxi's discovery on December 30, 2002.

3. Metro Taxi's Interrogatory No. 4 requests that OE describe the problems it has experienced within the past 12 months involving the services of Metro Taxi in connection with trips between Denver International Airport (DIA) and the area it seeks to serve in its application. In response, OE refers to various service problems listed in its response to Metro Taxi's Interrogatory No. 2 as well as to its Amended Application and other unspecified filings.

4. Metro Taxi's Interrogatory No. 5 requests that OE provide it with an estimate of the number of customers for whom it has arranged service with Metro Taxi to and from DIA within the past six months. In response, OE states that it states that it does not recall the specific taxi companies it used within that time period.

5. OE's responses to the subject discovery requests are not so unresponsive as to warrant a limitation on the evidence it may present at the hearing. Interrogatory No. 4 specifically requests that OE identify problems it has experienced with Metro Taxi. Therefore, it would appear that the service problems listed by OE in its response involve that carrier. Admittedly, OE's response to Interrogatory No. 5 makes its response to Interrogatory No. 4 confusing and inconsistent. Such confusion and inconsistency must be resolved, if at all, at the

¹ Copies of Metro Taxi's discovery directed to OE on December 9, 2002, and OE's responses dated December 12, 2002, were attached to the Motion as Exhibits 1 and 2, respectively.

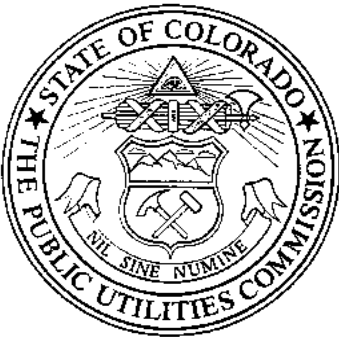
hearing of this matter in the event OE attempts to introduce evidence on these issues. For these reasons the Motion will be denied.²

II. ORDER

A. It Is Ordered That:

1. The Third Motion *In Limine* filed by Metro Taxi, Inc., is denied.
2. This Order shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DALE E. ISLEY

Administrative Law Judge

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² As an aside, it is observed that Metro Taxi's letter of December 19, 2002, wherein it attempts to resolve discovery issues with OE, does not request amendments of or clarifying responses to Interrogatory Nos. 4 or 5. See, Exhibit 3 attached to the Motion.