

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-337CP

IN THE MATTER OF THE APPLICATION OF MALCOLM LEWIS, DOING BUSINESS AS
MILE HIGH COMMUTER, 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
GRANTING REQUEST AND
SHORTENING RESPONSE TIME**

Mailed Date: August 24, 2004

I. STATEMENT

1. On June 23, 2004, Malcolm Lewis, doing business as Mile High Commuter (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 28, 2004 (Notice) at 3. That Notice, *inter alia* and as pertinent here, established a procedural schedule and a hearing date of September 3, 2004, for this proceeding.

3. Alpine Taxi/Limo, Inc. (Alpine), intervened of right. Metro Taxi, Inc., intervened of right.¹ Casino Transportation, Inc. (CTI), intervened of right. Golden West Commuter, LLC,

¹ By Order issued today, the ALJ granted the Joint Motion filed by Metro and MKBS, LLC, doing business as Metro Taxi, for Substitution of Intervenor and Intervenor's Counsel. Reference to Metro in this Order is to MKBS.

intervened of right. SuperShuttle International Denver, Inc., and Denver Taxi, LLC, intervened of right. Each intervenor opposes the Application.

4. Each intervenor has filed its preliminary list of witnesses and copies of its exhibits. Review of the Commission file in this proceeding reveals that, to date, Applicant has not filed its list of witnesses and copies of its exhibits.²

5. On August 20, 2004, CTI and Alpine each filed a Motion to Dismiss, First Alternative Motion in Limine or Second Alternative Motion to Vacate Hearing, Request for Shortened Response Time and for Expedited Action. This Order addresses only the Requests for Shortened Response Time (Requests). The remainder of the filings by CTI and Alpine are under advisement pending expiration of the response period.

6. Rule 4 *Code of Colorado Regulations* 723-1-22(b) establishes a 14-day response period for motions. That period may be changed by Commission order. Alpine and CTI seek a shortened response time to their respective motions because the hearing date of September 3, 2004 is approaching. The Requests state good cause. Granting the Requests will not prejudice any party. The Requests will be granted. The response time to the motions filed by CTI and by Alpine will be shorted to and including **noon on August 31, 2004**.

7. Each party will be ordered to provide a copy of its response directly to the office of the undersigned Administrative Law Judge at the time it files its response with the Commission.

² Pursuant to the procedural schedule established by the Commission, Applicant's list of witnesses and copies of his exhibits were due on or about August 9, 2004.

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

1. The Request for Shortened Response Time to the Motion to Dismiss, First Alternative Motion in Limine or Second Alternative Motion to Vacate Hearing, and Request for Expedited Action filed by Casino Transportation, Inc., is granted.

2. The response time to the Motion to Dismiss, First Alternative Motion in Limine or Second Alternative Motion to Vacate Hearing, and Request for Expedited Action filed by Casino Transportation, Inc., is shortened to and including noon on August 31, 2004.

3. The Request for Shortened Response Time to the Motion to Dismiss, First Alternative Motion in Limine or Second Alternative Motion to Vacate Hearing, and Request for Expedited Action filed by Alpine Taxi/Limo, Inc., is granted.

4. The response time to the Motion to Dismiss, First Alternative Motion in Limine or Second Alternative Motion to Vacate Hearing, and Request for Expedited Action filed by Alpine Taxi/Limo, Inc., is shortened to and including noon on August 31, 2004.

5. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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