

Decision No. R04-1012-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-252CP

IN THE MATTER OF THE APPLICATION OF MOBILITY EXPRESS TRANSPORTATION SYSTEM, INC., 7908 E. MEXICO AVENUE, DENVER, COLORADO 80231, FOR AUTHORITY TO EXTEND COMMON CARRIER OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, PUC NO. 55732.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
EXTENDING APPLICANT'S RESPONSE
TIME TO THE MOTION TO DISMISS
AND GRANTING JOINT MOTION
FOR SUBSTITUTION OF
INTERVENOR AND INTERVENOR'S
COUNSEL AND WAIVING RESPONSE TIME**

Mailed Date: August 26, 2004

I. STATEMENT

1. On August 9, 2004, a prehearing conference was held pursuant to Interim Order No. R04-0900-I. Counsel for Intervenor Metro Taxi, Inc. (Metro Taxi), and Denver Taxi, LLC (Denver Taxi) appeared. Girgis Israel, President of Applicant Mobility Express Transportation System, Inc. (*Pro Se*), did not appear, however, a friend of Mr. Israel, Henry Lee Jackson appeared stating that Mr. Israel cannot attend the prehearing conference since he was called out-of-town on an emergency. Mr. Jackson asked on behalf of Applicant for additional time to respond to a pending Motion to Dismiss the Application filed by Metro Taxi and joined in by Denver Taxi. Mr. Jackson also requested additional time so that Mr. Israel could obtain an attorney.

2. It was orally ordered that Applicant shall respond to the Motion to Dismiss on or before August 16, 2004.

3. On August 12, 2004, Mr. Israel filed a letter with the Commission requesting two more weeks to respond to the motion and to obtain an attorney.

4. On August 16, 2004, XYZ-Metro Taxi, Inc., formerly known as Metro Taxi, Inc. (Transferor), former owner and operator of Certificate No. 1481, by and through its attorney, Charles M. Williams, Esq. and MKBS, LLC, doing business as Metro Taxi (MKBS) by and through its counsel, Robert Nichols, Esq. filed a Joint Motion for Substitution of Intervenor and Intervenor's Counsel, Request for Shortened Response Time, and Request for Expedited Action.

5. Transferor and MKBS state that in Docket No. 04A-272CP-XFER, Transferor sold Certificate No. 1481 and other assets to MKBS. The transfer was approved by Decision No. C04-0751. The transfer of Certificate No. 1481 has been completed and MKBS is the current owner and operator of the certificate.

6. Transferor and MKBS request that MKBS be substituted as the Intervenor for Transferor and that Mr. Robert Nichols, Esq. be substituted as Intervenor's counsel for Charles M. Williams, Esq.

7. Good cause having been shown, the joint motion of Transferor and MKBS for substitution of Intervenor and Intervenor's counsel is granted. Response time is waived.

8. On August 19, 2004, Applicant filed a letter once again requesting an extension of time to file a response to the pending motion to dismiss the application and to obtain an attorney.

9. Since Applicant is currently without an attorney, it will be granted its request for a two-week extension to respond to the pending motion to dismiss and to obtain an attorney. The time will be extended to and including August 30, 2004.

II. ORDER

A. It Is Ordered That:

1. The request of Applicant Girgis Israel, President of Mobility Express Transportation System, Inc., for an extension of time to respond to the pending Motion to Dismiss and to Obtain an Attorney is granted. Applicant shall respond to the pending Motion to Dismiss on or before August 30, 2004.

2. The joint motion of XYZ-Metro Taxi, Inc., formerly known as Metro Taxi, Inc., and MKBS, LLC, doing business as Metro Taxi for substitution of Intervenor and Intervenor's counsel is granted.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge