

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 MOTION AND
SHORTENING RESPONSE TIME**

Mailed Date: August 27, 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., intervened of right. Metro Taxi, Inc., intervened of right.¹ Casino Transportation, Inc., intervened of right. Golden West Commuter, LLC (Golden West),

¹ By Decision No. R04-0993-I, the Administrative Law Judge 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 26, 2004, Golden West filed a Motion to Dismiss and Alternate Motion in Limine, Motion for Shortened Response Time and Postponement of the Hearing, Motion for Attorney's Fees. This Order addresses only the Motion for Shortened Response Time (Motion). The remainder of the August 26, 2004 filing by Golden West is 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. Golden West seeks a shortened response time to its August 26, 2004, filing because the hearing date of September 3, 2004 is approaching. The Motion states good cause. Granting the Motion will not prejudice any party. The Motion will be granted. The response time to the Golden West filing will be shortened 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 Motion for Shortened Response Time to the Motion to Dismiss and Alternate Motion in Limine, Motion for Postponement of the Hearing, and Motion for Attorney's Fees filed by Golden West Commuter, LLC, is granted.

2. The response time to the Motion to Dismiss and Alternate Motion in Limine, Motion for Postponement of the Hearing, and Motion for Attorney's Fees filed by Golden West Commuter, LLC, is shortened to and including noon on August 31, 2004.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge