

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 PETITION FOR
LATE-FILED INTERVENTION**

Mailed Date: October 8, 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. Alpine Taxi/Limo, Inc., intervened of right. Metro Taxi, Inc., intervened of right.¹ Casino Transportation, Inc., intervened of right. Golden West Commuter, LLC, intervened of right. SuperShuttle International Denver, Inc., and Denver Taxi, LLC, intervened of right. Each of these intervenors opposes the Application.

¹ By Decision No. R04-0993-I, 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.

3. On September 22, 2004, CUSA BCCAE, LLC (CUSA), filed a Petition to Intervene (Petition). In that filing CUSA seeks an Order permitting it to intervene out-of-time. The Petition states that CUSA was unaware of the Application until shortly before it filed the Petition. In addition, CUSA states that it “will be bound by present dates and will not raise any issue not raised by other intervenors.” Petition at ¶ 5. Finally, CUSA notes that the hearing in this matter is scheduled for November 4, 2004. *Id.*

4. Applicant did not respond to the Petition, and no other intervenor responded to the Petition. Thus, the Petition is unopposed.

5. The Administrative Law Judge (ALJ) finds that the Petition states good cause and that granting the Petition will not prejudice any party. In addition, as no party filed a response to the Petition, the ALJ finds that this is a significant indication that granting the Petition will not prejudice any party. Finally, the ALJ finds that CUSA’s assurances that its intervention will neither broaden the issues nor delay the procedural schedule in this matter to be further evidence that the Petition should be granted. The Petition will be granted, and CUSA will be permitted to intervene, subject to the following conditions: (a) CUSA will be bound by the procedural schedule and hearing date (see Decision No. R04-1048-I); and (b) CUSA will not raise any issue not previously raised by another intervenor.

II. ORDER

A. It Is Ordered That:

1. The Petition to Intervene filed by CUSA BCCAE, LLC, is granted consistent with the discussion above.

2. CUSA BCCAE, LLC, is an intervenor in this matter subject to the following conditions: (a) CUSA will be bound by the procedural schedule and hearing date (see Decision

No. R04-1048-I); and (b) CUSA will not raise any issue not previously raised by another intervenor.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge