

Decision No. R04-1216-I

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, SHORTENING
RESPONSE TIME, AND
WAIVING RESPONSE TIME**

Mailed Date: October 15, 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. (Alpine), intervened of right. Metro Taxi, Inc., intervened of right.¹ Casino Transportation, Inc. (CTI), intervened of right. Golden West Commuter, LLC, intervened of right. SuperShuttle International Denver, Inc., and Denver Taxi, LLC, intervened of right. CUSA BCCAE, LLC, intervened of right. Each of these intervenors opposes the Application.

¹ By Decision No. R04-0993-I, the Administrative Law Judge granted the Joint Motion filed by Metro Taxi, Inc., and MKBS, LLC, doing business as Metro Taxi, for Substitution of Intervenor and Intervenor's Counsel.

3. On October 13, 2004, Alpine and CTI filed a Joint Reoffered Motion to Dismiss, Alternative Motion in Limine, Alternative Motion to Modify Interim Decision No. R04-1048-I, Request for Shortened Response Time, and Request for Expedited Action. This Order addresses only the Request for Shortened Response Time.

4. The Request states good cause. Applicant will not be prejudiced by shortening the response time because the bases for the Motion to Dismiss, the Alternative Motion in Limine, and the Alternative Motion to Modify Interim Decision No. R04-1048-I are not complex. The Administrative Law Judge determines that, although he appears *pro se*, Applicant should be able to file his response within the shortened response time. In addition, the hearing in this matter is scheduled for November 4, 2004. Prompt action on the underlying Motion to Dismiss is warranted in light of that hearing date. The Request for Shortened Response Time will be granted.

5. The time for responding to the Reoffered Motions to Dismiss, the Alternative Motion in Limine, and the Alternative Motion to Modify Interim Decision No. R04-1048-I is shortened to and including **October 21, 2004**.

6. Applicant is advised that failure to respond to the Reoffered Motions to Dismiss, the Alternative Motion in Limine, and the Alternative Motion to Modify Interim Decision No. R04-1048-I may result in one or more of the motions being granted because they are unopposed. If the Reoffered Motions to Dismiss are granted, the Application will be dismissed.

II. ORDER

A. It Is Ordered That:

1. The Request for Shortened Response Time is granted.

2. Response to the Joint Reoffered Motions to Dismiss, Alternative Motion in Limine, and Alternative Motion to Modify Interim Decision No. R04-1048-I shall be due on or before October 21, 2004.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge