

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-073CP-EXTENSION

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IN THE MATTER OF THE APPLICATION OF MTV GROUP, LLC, FOR AUTHORITY TO  
EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY PUC NO. 55728.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
SHORTENING RESPONSE TIME**

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Mailed Date: April 13, 2004

**I. STATEMENT**

1. On February 19, 2004, MTV Group, LLC (Applicant), filed its Application for an Extension of Certificate of Public Convenience and Necessity PUC Number 55728 (Application). The Application commenced this proceeding.

2. On February 23, 2004, the Commission gave public notice of the Application. *See* Notice of Application Filed, dated February 23, 2004 (Notice). The Notice established an intervention period, a procedural schedule, and a hearing date. The hearing is scheduled for April 26, 2004. *See also* Order Setting Hearing and Notice of Hearing dated March 29, 2004.

3. Golden West Commuter, LLC (Golden West), Metro Taxi, Inc., Nemarda Corporation, Boulder Express, LLC, and Denver Taxi, LLC, have intervened of right in this matter. Each opposes the Application.

4. On April 8, 2004, Golden West filed a Motion to Dismiss and Alternate Motion in Limine and Motion for Shortened Response Time. This Order addresses only the Motion for Shortened Response Time.

5. Broadly speaking, Golden West's Motion to Dismiss and Alternate Motion in Limine has three bases: Applicant's failure to respond to discovery, Applicant's failure to meet filing deadlines, and Applicant's appearance without counsel in this proceeding. Because the hearing date is approaching and because it seeks to have its Motion to Dismiss and Alternate Motion in Limine decided in advance of the hearing date, Golden West seeks a shortened response period, to and including April 15, 2004. Golden West served a copy of its filing on Applicant on April 8, 2004, by United States mail.

6. The request to shorten response time states good cause. Applicant is aware of the Motion to Dismiss and Alternate Motion in Limine. No party will be prejudiced by shortening response time to the Motion to Dismiss and Alternate Motion in Limine. The request to shorten response time will be granted.

7. Golden West did not notify Applicant orally of the filing and did not hand-deliver or serve electronically the filing on the day Golden West filed the pleading with the Commission. The Motion to Dismiss and Alternate Motion in Limine present legal issues, particularly the question of the need for Applicant to be represented by counsel. To provide sufficient time for Applicant to prepare its response, the response time will be shortened to **noon on April 19, 2004**. This means that Applicant must file its response to the Motion to Dismiss and Alternate Motion in Limine no later than noon on Monday, April 19, 2004.

8. In the event that Applicant does not respond to the Motion to Dismiss and Alternate Motion in Limine, the ALJ may find that Applicant has confessed that motion and, on that basis, grant the motion.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motion for Shortened Response Time is granted.
2. Response to the Motion to Dismiss and Alternate Motion in Limine shall be filed on or before noon on April 19, 2004.
3. Failure of Applicant MTV Group, LLC, to file a response on or before noon on April 19, 2004, may result in a finding that MTV Group, LLC, has confessed the Motion to Dismiss and Alternate Motion in Limine and, further, may result in the Motion to Dismiss and Alternate Motion in Limine being granted.
4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge