

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 19, 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 (Golden West), 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 15, 2004, Golden West filed a Renewed Motion for Discovery Sanctions of Dismissal and Attorney's Fees and Costs (Renewed Motion for Sanctions) and Motion for Shortened Response Time (Motion). This Order addresses only the Motion for Shortened Response Time.

4. The Motion states good cause. Applicant will not be prejudiced by shortening the response time because the bases for the Renewed Motion for Sanctions are not complex and the sanctions sought are straightforward. This is a renewed motion based on Applicant's failure to respond to discovery. Applicant has been aware of the substance of the Renewed Motion since August 26, 2004, when Golden West filed its original motion for sanctions. The undersigned 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 Renewed Motion for Sanctions is warranted in light of that hearing date. The Motion for Shortened Response Time will be granted.

5. The time for responding to the Renewed Motion for Discovery Sanctions of Dismissal and Attorney's Fees and Costs is shortened to and including **October 22, 2004**.

6. Applicant is advised that failure to respond to the Renewed Motion for Discovery Sanctions of Dismissal and Attorney's Fees and Costs may result in the Renewed Motion's being granted because it is unopposed. If the Renewed Motion for Sanctions is granted, the Application may be dismissed.

7. Due to the approaching hearing date and the need for a prompt action decision on the Renewed Motion for Sanctions, response time to the Motion for Shortened Response Time will be waived.

II. ORDER

A. It Is Ordered That:

1. The Motion for Shortened Response Time is granted.
2. Response to the Renewed Motion for Discovery Sanctions of Dismissal and Attorney's Fees and Costs shall be due on or before October 22, 2004.
3. Response time to the Motion for Shortened Response Time is waived.
4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge