

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 20, 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. CUSA BCCAE, LLC (CUSA), 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 19, 2004, CUSA filed a Motion to Strike Application or, in the Alternative, Motion in Limine to Limit Evidence (Motion to Strike) and Motion to Shorten Response Time (Motion). This Order addresses only the Motion to Shorten Response Time.

4. The Motion states good cause. Applicant will not be prejudiced by shortening the response time because the bases for the Motion to Strike are not complex and the sanctions sought are straightforward. The Motion to Strike is based on Applicant's failure to respond to discovery and on Applicant's failure to comply with specified filing requirements. In substance, the Motion to Strike is similar, if not identical, to pending motions filed by other intervenors. The Administrative Law Judge determines that, although he appears *pro se*, Applicant should be able to file a response to the Motion to Strike within the shortened response time. In addition, the hearing in this matter is scheduled for November 4, 2004. Prompt action on the Motion to Strike is warranted in light of that hearing date. The Motion to Shorten Response Time will be granted.

5. The time for responding to the Motion to Strike Application or, in the Alternative, Motion in Limine to Limit Evidence is shortened to and including **October 27, 2004**.

6. Applicant is advised that failure to respond to the Motion to Strike Application or, in the Alternative, Motion in Limine to Limit Evidence may result in that motion's being granted because it is unopposed. If the motion is granted, the Application may be dismissed.

7. Response time to the Motion to Shorten Response Time will be waived due to the approaching hearing date and the need to decide the Motion to Strike Application or, in the Alternative, Motion in Limine to Limit Evidence in advance of that hearing date.

II. ORDER

A. It Is Ordered That:

1. The Motion to Shorten Response Time is granted.
2. Response to the Motion to Strike Application or, in the Alternative, Motion in Limine to Limit Evidence is due on or before October 27, 2004.
3. Response time to the Motion to Shorten Response Time is waived.
4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge