

Decision No. C23-0650

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0435EC

IN THE MATTER OF THE PETITION OF A LAST MINUTE LIMOUSINE, LTD FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**COMMISSION DECISION GRANTING PETITION FOR
RULE WAIVER, IN PART**

Mailed Date: September 27, 2023
Adopted Date: September 20, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for Waiver/Variance of Regulated Intrastate Carrier Rules filed on August 28, 2023, by A LAST MINUTE LIMOUSINE, LTD. (Petitioner).

2. Petitioner requests a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. This rule provides, in relevant part, the criteria for luxury limousine vehicles, including categories of vehicles that can be classified as a luxury limousine. Rule 6305(b), 4 CCR 723-6, provides, "A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation

experience in the relevant market to be served.” This rule allows for the Commission to exercise discretion regarding a particular vehicle’s fitness to be operated as a luxury limousine.

3. Petitioner requests a waiver for a 2022 Ford Explorer, VIN No. 1FMSK8DHXNGB90529. Petitioner requests a waiver for the period of August 21, 2023, through August 21, 2028.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 5, 2023. No petition to intervene or otherwise participate in this Proceeding has been filed. This Proceeding is therefore uncontested. Pursuant to § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

5. In accordance with Rule 1003 of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant a request to waive Commission rules for good cause shown. In rendering its decision, the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

6. In support of its request for rule waiver, Petitioner states:

I was misunderstood about Luxury requirements. This new Ford suv is a Luxury suv. I use it as a sedan Leather interior, power seats, windows, roomy. This is a very expensive model. I request a waiver so I can use it. Also has a complete safety package. Thank you. [sic]

7. For the underlying vehicle, Petitioner submitted multiple photos, as well as a copy of the financing sale contract from August 2022. Based on the submitted photos, the underlying vehicle appears to be in a good and clean condition. The interior also appears to include leather upholstery and the potential for expanded seating (which may support up to seven total

passengers) within a compact vehicle frame. According to the financing sale contract, Petitioner purchased the vehicle on August 29, 2022. The total amount paid by Petitioner was \$3,357.49, with an additional \$52,814.90 being financed through the contract. This suggests the overall value of the vehicle was \$56,172.39 at the time of purchase. Given the value of the vehicle, it likely would have qualified as a luxury limousine vehicle, pursuant to Rule 6305(a)(VI), 4 CCR 723-6, had it been purchased more recently.

8. Given all available information, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(a), 4 CCR 723-6, for the 2022 Ford Explorer named in this petition. However, the requested period for the waiver, from August 21, 2023, through August 21, 2028, is inappropriate. Waivers of this type are typically granted for two years or less, depending on the circumstances. As such, the requested waiver will be granted, in part, for a two-year period, which will coincide with the effective date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The petition of A LAST MINUTE LIMOUSINE, LTD. for a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, filed on August 28, 2023, is granted, in part, for the 2022 Ford Explorer, VIN No. 1FMSK8DHXNGB90529, for two years from the effective date of this Decision.

2. The waiver is conditional on the aforementioned vehicle passing a vehicle safety inspection, pursuant to Rule 6117(b), 4 CCR 723-6.

3. A LAST MINUTE LIMOUSINE, LTD. shall keep a copy of this Decision and proof of inspection in the aforementioned vehicle, pursuant to Rule 6107(b), 4 CCR 723-6.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 20, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners