

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24V-0298E

IN THE MATTER OF THE PETITION OF HASH CAB, LLC 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**

Issued Date: August 19, 2024

Adopted Date: August 7, 2024

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 July 1, 2024, by Hash Cab, LLC (“Petitioner”).

2. Petitioner requests an extension to a previously granted waiver of Rules 6005(a) and 6302(b) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (“CCR”) 723-6, as it pertains to the name of their transportation carrier.

3. On July 26, 2022, Petitioner filed a petition for waiver of the same aforementioned rules, which was initially denied by the Commission.¹ However, through a subsequently filed Application for Rehearing, Reargument, or Reconsideration, pursuant to § 40-6-114, C.R.S., the Commission ultimately granted the petition for waiver, which was granted from October 28, 2022 through July 22, 2024.²

¹ See Decision No. C22-0542, Proceeding No. 22V-0338EC.

² See Decision No. C22-0674, Proceeding No. 22V-0338EC.

4. The Petition requests the Commission extend the previously issued waiver of Rule 6005(a), 4 CCR 723-6, which provides, "No Person shall operate under a name or trade name that identifies a transportation service not currently authorized by its Certificate or Permit (*"e.g., a Limited Regulation Carrier or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name"*)." The Petition also requests a continued waiver of Rule 6302(b), 4 CCR 726-6, which provides, "No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (*"e.g., a Limited Regulation Carrier shall not have taxi in its name"*). If an application is filed in violation of this rule, the Commission shall not issue a Permit under such name." The Petition requests the rule waiver be granted for the period of July 23, 2024 through July 23, 2026, or a longer period.

5. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 1, 2024. 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.

6. 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.

7. In support of its request for an extension of the previously granted rule waiver, Petitioner states that they utilize their Commission-issued luxury limousine permit to operate a mobile hospitality business, which provides a space for their patrons to consume marijuana.

Petitioner requires authority from both the Colorado Department of Revenue (“DOR”) and the Commission in order to continue its operations. Petitioner reports that there have been no incidents relating to consumer confusion regarding the services being offered, which encompasses the rules that are sought to be waived. Petitioner also mentions that the waiver is necessary to continue operations under their current carrier name, which is the same as the legal name on file with DOR. Petitioner mentions that this is also the carrier name that has been used to the market to their customer base.

8. Based on the Commission Decision granting the previously filed petition for waiver sought by Petitioner,³ it was determined that the underlying rules were adopted for transparency purposes, so customers would not assume that a carrier was eligible to provide services for which they do not possess proper permitting or authority. Ultimately, the Commission was persuaded by Petitioner's original arguments, including that their operation is centered around scheduling rides on a prearranged basis, and the carrier name would not be present on the vehicles used to provide the services.

9. Given Petitioner's statement that their clients have not made any assumptions regarding their operation and the services they are eligible to provide since the previously filed petition for waiver was granted, as well as their continued operations hinging on the Commission extending the waiver due to the legal name registered for their operation with DOR, there appears to be good cause to extend the previously granted waiver, as requested. Furthermore, it also seems appropriate to grant the petition for waiver, *nunc pro tunc*, to the requested effective date of July 23, 2024, so as to avoid any potential complications with DOR.

³ See Paragraph 4, Decision No. C22-0674, Proceeding No. 22V-0338EC.

II. ORDER**A. The Commission Orders That:**

1. The petition of Hash Cab, LLC for a waiver of Rules 6005(a) and 6302(b) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, filed on July 1, 2024, is granted, *nunc pro tunc*, from July 23, 2024, until July 23, 2026.

2. 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.

3. This Decision is effective immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 7, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director