

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24V-0342EC

IN THE MATTER OF THE PETITION OF EIGEN GRAU 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, IN PART**

Issued Date: October 9, 2024
Adopted Date: September 18, 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 ("Petition") filed on August 12, 2024, by Eigengrau LLC ("Petitioner"). On August 29, 2024, Petitioner filed an amendment to the Petition, which extended the requested waiver period from one year to five years.

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 Jeep Wagoneer, VIN No. 1C4SJVB2NS110991. Petitioner requests a waiver for the period of August 9, 2024, through August 9, 2029.

4. The Commission initially noticed this Petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 19, 2024, but due to the aforementioned amendment, the Petition was re-noticed on September 3, 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.

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:

The vehicle is considered a luxury SUV and is listed for Uber Black in the Denver area. The intended purchase was made for Livery Services. The vehicle rivals other luxury SUVs such as, the Cadillac Escalade, Volvo CX90, and the Infiniti QX80. Luxury features include reclining middle row seats with temperature control, wood panel trim with ambient lighting, black leather seats, spacious cabin, and LED headlights and taillights. Passengers have made comments about how nice the vehicle is and suggest private service. [sic]

7. For the underlying vehicle, Petitioner submitted multiple photos, as well as a copy of the vehicle sale agreement/contract from August 2024. Based on the submitted photos, the

vehicle appears to be in a good and clean condition. The vehicle appears to have a sleek, black exterior and the interior includes the referenced black leather seats and middle row temperature control, as well a charging station for electronics. According to the sale agreement/contract, Petitioner purchased the underlying vehicle on August 6, 2024. Petitioner took advantage of a trade-in allowance of \$18,500.00 and submitted a down payment of \$5,000.00, totaling \$23,500.00 paid to the dealership. The amount financed through the contract was \$26,503.76. While this totals \$50,003.76 due to Petitioner for the purchase of the vehicle, which increases to \$55,561.60 when considering the associated finance charges, the value of the vehicle is still listed as being only \$43,188.00. Given the value of the vehicle listed on this documentation, the vehicle may have been fairly close to qualifying as a luxury limousine vehicle, pursuant to Rule 6305(a)(VI), 4 CCR 723-6.

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 Jeep Wagoneer named in this petition. However, the requested period for the wavier, from August 9, 2024, through August 9, 2029, 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 Issued Date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The Petition of Eigengrau LLC 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 12, 2024, is granted, in part, for the 2022 Jeep Wagoneer, VIN No. 1C4SJVB T2NS110991, 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. Eigengrau LLC 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 immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 18, 2024.**

(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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MEGAN M. GILMAN

TOM PLANT

Commissioners