

Decision No. C24-0885

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24V-0477EC

IN THE MATTER OF THE PETITION OF DONALD LEE DAVIS DOING BUSINESS AS TRAVEL PARADISE VACATIONS 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: November 27, 2024

Adopted Date: November 20, 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 November 1, 2024, by Donald Lee Davis doing business as Travel Paradise Vacations ("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 2024 Chrysler Pacifica Hybrid, VIN No. 2C4RC1S78RR137625. Petitioner requests a waiver for the period of July 1, 2024, through July 1, 2025.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 4, 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:

Greetings Travel Paradise Vacation is requesting for a waiver, due to the State of Colorado has shut down all NEMT having every company to revalidate, which causing a great hardship on our company to provide the proper luxury limo vehicle, this is our livelihood. Travel Paradise Vacations has a black exterior and black interior vehicle. According to Blue kelly book the vehicle value at \$54,620.00. Thank you so much for your support [sic]

7. For the underlying vehicle, Petitioner submitted multiple photos, which show both the interior and exterior. The vehicle appears to have a sleek, black exterior and comfortable interior seating arrangement, including leather seats and a Captain Chairs configuration in the middle row. The vehicle appears to have a seating capacity of seven, including the driver.

8. Petitioner also submitted a bill of sale document from Douglas County, CO. According to this document, the underlying vehicle was leased to LeQuesor Lynette Davis (Petitioner's listed Designated Agent) by Avis Budget Car Rental LLC, on April 30, 2024. The value of the vehicle is listed as \$54,620.00.

9. According to the Toyota website (<https://www.chrysler.com>), the Pacifica model is classified as a minivan.

10. 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 2024 Chrysler Pacifica Hybrid named in this petition.¹ However, it is noted that the requested period for the waiver, from July 1, 2024, through July 1, 2025, begins several months before the waiver was submitted to the Commission. As such, the requested waiver will be granted, for a one-year period, which will coincide with the effective date of this Decision.

II. **ORDER**

A. **The Commission Orders That:**

1. The petition of Donald Lee Davis doing business as Travel Paradise Vacations 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 November 1, 2024, is granted for the 2024 Chrysler Pacifica Hybrid, VIN No. 2C4RC1S78RR137625, for one year 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.

¹ Commissioner Gilman dissents from this Decision on technical grounds, noting a preference to consistently apply Commission rules and expressing a desire to explore potential modifications of Rule 6305, 4 CCR 723-6.

3. Donald Lee Davis doing business as Travel Paradise Vacations 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
November 20, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners

Rebecca E. White

Rebecca E. White,
Director

COMMISSIONER MEGAN M. GILMAN
DISSENTING.