

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22V-0338EC

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 DENYING
PETITION FOR RULE WAIVER**

Mailed Date: September 13, 2022
Adopted Date: September 7, 2022

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 26, 2022, by Hash Cab, LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6005(a) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. This rule 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)." Petitioner also requests a waiver of Rule 6302(b), 4 CCR 723-6. This rule 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."

3. Petitioner requests a waiver for the name of their transportation carrier, Hash Cab, LLC. Petitioner requests a waiver for the period of July 22, 2022 through July 22, 2024.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 1, 2022. 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 consider, 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, the Petitioner states:

The commission should grant the waiver and allow the petitioner to operate a luxury limousine service under the name "Hash Cab" because (1) the service is operating in accordance with PUC regulations for a luxury limousine service; (2) the word "Cab" in the businesses name does not refer to a taxicab; and (3) no reasonable person would believe that the business is operating a traditional taxi service. The services provided by "Hash Cab" will be in accordance with all PUC regulations regarding luxury limousine services. As such, "Hash Cab" would only be providing services on a Prearranged Charter Basis memorialized in a contract prior to the provision of service. Hash Cab will be providing specialized transportation services in a luxury vehicle that are unlike those normally provided by a common carrier. The name "Hash Cab" is not being used to refer to a taxicab. The word "Cab" within the petitioner's name refers to the cabin of the vehicle, not to a taxicab service. In addition, the name is a play on the television show "Cash Cab" where contestants answer questions in the cabin of a common carrier to win prizes. While Hash Cab will not be operating a trivia show in the cabin of the vehicle, it will give consumers a unique transportation experience. Finally, because the business is operating as a marijuana mobile hospitality businesses [sic], which is evident from the word "Hash" in its name, no reasonable person would believe that "Hash Cab" is a traditional taxicab service.

7. Petitioner filed an application for a luxury limousine permit on June 28, 2022. This application is currently pending, which may be contingent on the result of this petition. Although not required, Petitioner also submitted information regarding the vehicle to be used for the applied for luxury limousine service: 2008 BMW 528xi.

8. Based on the substance of the rules at issue, the Commission has indicated that a transportation carrier shall not advertise themselves, through their company name, as eligible to provide certain types of transportation services, unless they have specific authorization to provide such services. This can aid in transparency for consumers, so that they do not mistakenly assume a transportation carrier can provide services they are not actually able to provide.

9. Petitioner's claim that the word "Cab" in their company name refers to the interior of the vehicle, rather than an abbreviated version of "taxicab", is not likely a distinction a potential consumer would make. This argument might be more persuasive if Petitioner's business model mirrored the activities of the company's namesake (Cash Cab) or if the vehicle used in the applied for luxury limousine services were not a sedan, but this is not the case on either part.

10. In previous instances, when a transportation carrier has applied for a permit or authority using an improper name, as designated by the underlying rules, there are multiple forms of recourse. The typical response is for the transportation carrier to eliminate the problematic language in their company name and either update or refile their permit application. The transportation carrier may also apply for additional permitting or authority to provide the specific services that are creating the problematic language. Either of these methods can be successful in eliminating the transparency issues the underlying rules are intended to address.

11. Given all available information, the Commission finds that good cause has not been shown by Petitioner to grant the requested rule waiver.

II. ORDER

A. The Commission Orders That:

1. The petition of Hash Cab, LLC for a waiver of Rule 6005(a) and Rule 6302(b) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, filed on July 26, 2022, is denied.

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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 7, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners