

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-396CP-WAIVER

IN THE MATTER OF THE APPLICATION OF FREEDOM CABS, INC., FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 25.5 (AGE OF VEHICLES) OF THE COMMISSION'S RULES AND REGULATIONS AND CIVIL PENALTIES GOVERNING COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE FOR HIRE, 4 CCR-723-31.

COMMISSION ORDER GRANTING WAIVER

Mailed Date: September 16, 2004
Adopted Date: September 14, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. By an application filed July 30, 2004, Freedom Cabs, Inc. (Freedom Cabs), requests a waiver of Rule 25.5 (Age of Vehicles) of the Rules, Regulations, and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle For Hire, 4 (*Code of Colorado Regulations*) 723-31. The waiver request pertains to operations conducted under Certificate of Public Convenience and Necessity PUC No. 53638. The vehicle for which the waiver is requested is a 1994 Ford Crown Victoria with a Vehicle Identification Number of 2FALP71W6RX163678. The waiver is requested from July 1, 2004 to July 1, 2005.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 9, 2004. The Commission set this matter for hearing on October 14, 2004.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is therefore uncontested. Under Rules 24 and 59(g), Rules of Practice and Procedure, 4 CCR 723-1, this matter may be determined without a hearing.

4. Rule 25.5 prohibits a carrier from using vehicles older than ten model years as of July 1st in taxi service. Rule 25.5 states

Taxicab vehicles shall be no older than six model years as of July 1st of each year.

For the purpose of this rule, model years shall be counted from the present calendar year and shall include the present calendar year and the five previous calendar years. Vehicles that are older than six model years but not more than ten model years, may be exempted from this rule. To qualify for the exemption, the vehicle, at the time of its periodic inspection, must be in outstanding physical condition in the opinion of the Commission's safety inspector.

5. The 1994 Ford Crown Victoria identified in this application is over ten model years old as of July 1, 2004. Therefore, unless Freedom Cabs is granted a waiver of Rule 25.5 for the vehicle named in this application, Freedom Cabs must stop providing taxi service with this vehicle.

6. In support of this application, Freedom Cabs states "the vehicle named in this application is in very good condition." The owner of the vehicle named in this application states that at this time he is not able to purchase another vehicle.

7. The Commission finds that the information submitted with this application warrants the granting of a waiver of Rule 25.5.

8. Commission staff inspected this vehicle on August 12, 2004, and found it to be in safe operating condition and good overall condition.

9. However, Freedom Cabs is advised that the granting of the waiver of Rule 25.5 for the vehicle named in this application does not ensure that this vehicle will pass a future safety inspection by staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. Freedom Cabs is granted a waiver of Rule 25.5, 4 *Code of Colorado Regulations* 723-31; *Rules, Regulations, and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle Carriers Exempt From Regulation as Public Utilities* for the 1994 Ford Crown Victoria named in this application. The term of this waiver shall be from July 1, 2004, through July 1, 2005.

2. The hearing set for October 14, 2004, is vacated.

3. 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 Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
September 1, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
CHAIRMAN GREGORY E. SOPKIN
ABSENT.

I/TRANS/ORDERS/04A-396CP