

Decision No. C14-0657

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0397CP

IN THE MATTER OF THE PETITION OF HIGH VALLEY BIKE SHUTTLE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6213(A)(AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: June 17, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on May 1, 2014 by Mishata Enterprises, doing business as High Valley Bike Shuttle (Petitioner).

2. Petitioner is requesting a waiver of Rule 6213 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested is a 1996 Ford E350 Van, VIN No. 1FBHE31H3THB12182. The waiver is requested from May 1, 2014 through November 1, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on May 5, 2014.

5. 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 Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders for good cause. In making a determination, 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. Rule 6213(a), 4 CCR 723-6, states that “[i]ntrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.” Pursuant to § 40-10.1-106(1), C.R.S., the Commission enacted this rule to ensure public safety, consumer protection, and service quality.

8. The 1996 Ford E350 Van named in this petition is significantly older than the 12 model years allowed by Rule 6213(a). Thus, unless Petitioner is granted a waiver of Rule 6213 for the vehicle named in this petition, it may not provide shuttle service with this vehicle.

9. Petitioner operates as a common carrier pursuant to Certificate of Public Convenience and Necessity No. 53046S. Petitioner states that “[i]t would be an extreme hardship to purchase newer vans.” Petitioner submitted pictures of the vehicle. The petition states that the vehicle has a total mileage of 119,105 miles.

10. Since it is in the public interest to ensure that common carriers utilize newer, safer, and more reliable vehicles, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6213 for the 1996 Ford E350 Van named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Mishata Enterprises, doing business as High Valley Bike Shuttle, for a waiver of Rule 6213 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, 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
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners