

Decision No. C14-0768

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0444CP

IN THE MATTER OF THE PETITION OF CITY CAB COMPANY FOR AN ORDER
OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING
TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER

Mailed Date: July 8, 2014
Adopted Date: June 25, 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 9, 2014 by City Cab Company (City Cab or Petitioner). A supplement to the petition was filed on May 22, 2014.

2. City Cab requests a waiver of Rule 6254(b) 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 2004 Ford Crown Victoria, VIN No. 2FAFP71W74X163467. The waiver is requested from July 15, 2014 through July 14, 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 19, 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 6254(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between counties with a population density of 40 or more people per square mile shall be ten model years.

8. City Cab may provide taxicab service in the City and County of Pueblo¹ pursuant to Certificate of Public Convenience and Necessity PUC No. 2282. Petitioner states the following as the reason for the waiver: “[The] Crown Victoria [is] excellent mechanically and is also physically sound. The vehicle was put online February 3, 2014. The vehicle is on a weekly maintenance program. The vehicle is open for the PUC’s inspection at any time.” City Cab did submit pictures of the interior and exterior of the Crown Victoria, and it does appear to be in good condition. City Cab states that the vehicle has a total mileage of 130,378.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6254(b) for the 2004 Ford Crown Victoria named in this petition.

¹ The 2010 census indicated the County of Pueblo had a population density of 67 people per square mile.

10. City Cab is advised that the grant of the waiver of Rule 6254(b) for the vehicle named in this petition does not ensure that this vehicle will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of City Cab Company for a waiver of Rule 6254(b) for the 2004 Ford Crown Victoria, VIN No. 2FAFP71W74X163467, is granted from July 15, 2014 through July 14, 2015.

2. City Cab Company shall keep a copy of this Decision in the 2004 Ford Crown Victoria, VIN No. 2FAFP71W74X163467, named in this petition. City Cab Company shall provide this Decision immediately on request by any Commission enforcement official.

3. City Cab Company shall have the 2004 Ford Crown Victoria named in this petition inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and, the vehicle shall pass such an inspection. City Cab Company shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If City Cab Company fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6254(b) shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 25, 2014.**

(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

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners