

Decision No. C14-0841

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0536EC

IN THE MATTER OF THE PETITION OF EMERALD LIMOUSINE LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION DENYING WAIVER

Mailed Date: July 21, 2014
Adopted Date: July 9, 2014

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 Limited Regulation Carrier Rules filed on May 27, 2014 by Emerald Limousine LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6305(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 Chevrolet Suburban, VIN No. 1GNFK16T84J292600. This waiver is requested from May 21, 2014 through May 21, 2015.

4. The Commission noticed this petition for a period of 30 days to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 2 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. Pursuant to 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 6305(b), 4 CCR 723-6, states that “luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year.”

8. Petitioner holds Commission Luxury Limousine Permit No. LL-1857. Petitioner operates in the Commerce City area. Petitioner states that the waiver is necessary because Petitioner needs the waiver because the vehicle “is still in extremely good condition,” and that Petitioner is the sole income provider in Petitioner’s family. Petitioner states the mileage on the vehicle as 200,440. Petitioner includes pictures showing a vehicle in good condition but with no particular enhanced features of note.

9. The Commission finds that Petitioner has not satisfied the requirements of Rule 1003, 4 CCR 723-1. Specifically, Petitioner has not demonstrated how granting this waiver would remedy hardship, enhance equity, or advance more effective implementation of policy. We find that the 2004 Chevrolet Suburban named in this petition is not luxurious enough to justify a waiver of Rule 6305(b), which was enacted to ensure public safety, consumer protection, and service quality pursuant to § 40-10.1-106(1), C.R.S. It is in the public interest to ensure that luxury limousine carriers utilize newer, safer, and more luxurious vehicles.

Therefore, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) for the 2004 Chevrolet Suburban named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Emerald Limousine LLC for a waiver of Rule 6305(b) 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
July 9, 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