

Decision No. C14-0910

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0587CP

IN THE MATTER OF THE PETITION OF FREEDOM CABS, INC. FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: August 4, 2014
Adopted Date: July 23, 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 Common/Contract Carrier Rules filed on June 2, 2014 by Freedom Cabs Inc. (Petitioner).

2. Petitioner is requesting a waiver of Rule 6255(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. The vehicle for which a waiver is requested is a 2005 Toyota Scion XB, VIN No. JTLKT324654010604. The waiver is requested from June 30, 2014 through July 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 June 16, 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 6255(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be eight model years.

8. Petitioner operates as a taxicab carrier in the Denver Metro Area pursuant to Certificate of Public Convenience and Necessity PUC No. 53638. Mr. Max Sarr, Petitioner's General Manager, submitted the petition on behalf of the individual taxicab driver and states, in part, the following as the reason for the waiver: "By allowing me to keep it one more year I will be able to keep my job and I will be able to provide for 4 kids under my responsibility." Petitioner submitted pictures of the vehicle. The petition lists the total mileage on the vehicle as 256,557 miles.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 2005 Toyota Scion XB named in this petition.

10. Petitioner is advised that the grant of the waiver of Rule 6255(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 Freedom Cabs Inc. for a waiver of Rule 6255(b) for the 2005 Toyota Scion XB, VIN No. JTLKT324654010604, is granted, in part, from the Mailed Date of this Decision through July 1, 2015.

2. Freedom Cabs Inc. shall keep a copy of this Decision in the 2005 Toyota Scion XB, VIN No. JTLKT324654010604, named in this petition. Freedom Cabs Inc. shall provide this Decision immediately on request by any Commission enforcement official.

3. Freedom Cabs Inc. shall have the 2005 Toyota Scion XB 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. Freedom Cabs Inc. shall file with the Commission (in this proceeding) a copy of the completed inspection form within 30 days of the effective date of this Decision. If Freedom Cabs Inc. 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 6255(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
July 23, 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