

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0355CP

IN THE MATTER OF THE PETITION OF ALPINE TAXI/LIMO, INC., DOING BUSINESS AS ALPINE AND/OR GO ALPINE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: July 18, 2019

Adopted Date: July 10, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on June 21, 2019 by Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Alpine Taxi).

2. Alpine Taxi requests a waiver of Rule 6117(c) 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 2000 Ford E-350¹ with 82,958 miles. The waiver is requested from June 21, 2019 through June 21, 2024.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 24, 2019, for a period of ten days.

¹ The vehicle identification number of the 2000 Ford E-350 is 1FBSS31LOYHB97301.

5. The ten-day notice period expired on July 5, 2019. No petition to intervene or otherwise participate in this proceeding has been filed. Therefore, the proceeding is uncontested. Under § 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 6117(c), 4 CCR 723-6 (Age and Condition of Passenger Carrying Motor Vehicles) states:

With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.

8. The Ford E-350 named in this petition is four model years older than allowed by Rule 6117(c). Therefore unless Alpine Taxi is granted a waiver of Rule 6117(c) for the 2000 Ford E-350, it may not continue to provide common carrier or luxury limousine service with this vehicle.

9. Alpine Taxi may, under Certificate of Public Convenience and Necessity (CPCN) No. 26246, provide several types of common carrier passenger transportation service between points in Routt and Moffatt Counties, State of Colorado, and between points in Routt and Moffatt, on the one hand, and many named points in several counties, on the other hand. Alpine

Taxi may also provide luxury limousine service under Permit LL-555. The manager of Alpine Taxi, Tracey Rogalski, provided the following statement to support this petition for waiver:

As the revenue of the vehicle indicates, it does not produce enough income for our company to justify replacing it with a newer vehicle, however it holds great value in providing Go Alpine with the ability to provide wheelchair accessible service to our local community and visitors. For example, this vehicle is used to help transport residents of our local retirement home to and from church services on Sundays when the facility vehicle is unavailable. Generating \$3,863 for the calendar 2018 year and only having a resale value of approximately \$3,000 indicates that the use of this vehicle could not even begin to compensate for the cost of replacing this valuable community asset to meet the new age of motor vehicle rule.

10. On June 28, 2019, Alpine Taxi, record owner of CPCN No. 26246, filed an application, in Proceeding No. 19A-0367CP-SXFER-TA, for temporary approval to sell all of the issued shares of capital stock in Alpine Taxi from Lisa Adamo to the Ogilvie Family Limited Partnership (Ogilvie Family LP). By Decision No. C19-0589, mailed on July 12, 2019, the Commission granted temporary approval for this sale of stock.

11. The Ford E-350 named in this petition for waiver is shown as an asset in Exhibit B – Asset List submitted with Proceeding No. 19A-0367CP-Stock Transfer-TA. The Ogilvie Family LP is purchasing all of the assets identified in Exhibit B. To allow the Ogilvie Family LP, as the temporary owner of the capital stock of Alpine Taxi to operate the Ford E-350, the waiver of the age rule will be granted in part for the same 180-day period as granted in Proceeding No. 19A-0367CP-Stock Transfer-TA.

II. ORDER

A. The Commission Orders That:

1. The petition of Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Alpine Taxi) filed on June 21, 2019, for a waiver from Rule 6117(c) of the Rules Regulating

Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, is granted in part for a period of 180 days beginning on the mailed date of this Decision.

2. Alpine Taxi shall keep a copy of this Decision in the 2000 Ford E-350 named in the petition and shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

3. Alpine Taxi shall have the 2000 Ford E-350 inspected pursuant to the requirements in Rule 6117(d) 4 CCR 723-6 within 30 days of the effective date of this Decision, and the vehicle shall pass such inspection in order for this waiver to be valid. Alpine Taxi shall maintain copies of the completed inspection forms in the 2000 Ford E-350.

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 or serves this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 10, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners