

Decision No. C20-0076

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0737CP

IN THE MATTER OF THE PETITION OF DAVID CHAMBERS FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: February 3, 2020

Adopted Date: January 29, 2020

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 Motor Carrier Rule 6117 filed on December 23, 2019, and amended on January 17, 2020 by Colorado Cab Company LLC, doing business as Denver Yellow Cab (Denver Yellow Cab).

2. Denver Yellow Cab requests a waiver of Rule 6117(b) (Age and Condition of Passenger Carrying Motor Vehicles) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, from January 1, 2020 through December 31, 2021, for a 2007 Subaru Legacy VIN No. 4S3BL616476200201. Rule 6117(b) states that "No taxicab shall be more than 12 years old regardless of condition or mileage."

3. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 6, 2020. Any person desiring to intervene in this Petition was required to file an appropriate pleading by January 16, 2020.

4. 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.

5. 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.

6. Denver Yellow Cab operates under Large-Market Taxicab Permit No. LMT-00010. As a Large Market Taxicab carrier, Denver Yellow Cab may provide taxi service within and between the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld, and between those points and all points within the State of Colorado. Therefore, Denver Yellow Cab is subject to the requirements named in Rule 6117(b) and may only operate vehicles that are 12 years old or less.

7. In support of the waiver, the owner of the vehicle states:

The Commission should grant this petition for waiver for reasons of financial hardship since the implementation of unregulated ride share at half the rate. Equity because this Taxicab is currently in overall excellent condition and evidenced by its maintenance history, it'll continue to be maintained in such a manner.

8. The petition included: a) photographs of the interior and exterior of the 2007 Subaru Legacy that show the vehicle is in good condition; b) an inspection¹ for this vehicle completed on November 20, 2019; and c) 14 invoices² for repair and maintenance completed on this vehicle from June 2017 through September 2018.

9. In consideration of the support submitted with this petition, the Commission finds that good cause has been shown to grant a waiver in part of Rule 6117(b) for the 2007 Subaru Legacy. However, the petition does show the mileage of the vehicle is 385,746. Therefore, the waiver will be granted from the mailed date of this Decision through December 31, 2020.

10. Denver Yellow Cab is advised that the grant of the waiver of Rule 6117(b) for the 2007 Subaru Legacy named in this petition does not ensure that the vehicle will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition filed on December 23, 2019 and amended on January 17, 2020 by Colorado Cab Company, LLC, doing business as Denver Yellow Cab (Denver Yellow Cab), for a waiver of Rule 6117(b) for a 2007 Subaru Legacy VIN No. 4S3BL61647620020, is granted in part, from the Mailed Date of this Decision through December 31, 2020.

2. Denver Yellow Cab shall have the 2007 Subaru Legacy inspected pursuant to the requirements of Rule 6117(d).

¹ The results of the inspection were recorded on the Commission's approved form, and the vehicle did pass the inspection.

² The total cost of the repairs and maintenance was over \$11,000.

3. Denver Yellow Cab shall keep a copy of this Decision in the 2007 Subaru Legacy. Denver Yellow Cab shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

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
January 29, 2020.**

(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