

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0116TNC

IN THE MATTER OF THE PETITION OF LYFT, INC., FOR EMERGENCY RELIEF WITHOUT NOTICE AND HEARING AND AN IMMEDIATE TEMPORARY WAIVER OF CERTAIN RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6, IN RESPONSE TO THE CORONAVIRUS COVID-19 IN COLORADO.

**INTERIM DECISION SHORTENING PERIOD
FOR NOTICE, INTERVENTION, AND RESPONSE TO
PETITION FOR TEMPORARY RULE WAIVERS**

Mailed Date: March 25, 2020

Adopted Date: March 25, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. By this Decision, the Commission establishes a shortened period **through 12:00 p.m. on March 30, 2020**, for notice, intervention, and response to the petition filed by Lyft, Inc. (Lyft) on March 20, 2020, requesting temporary waiver of certain Commission rules (Petition).

2. Through its Petition, Lyft requests a waiver of the following provisions within the Commission's Transportation Network Company Rules, 4 *Code of Colorado Regulations* (CCR) 723-6-6700 through 6724:

Rule	Requested Waiver
Rule 6708(a)	If a driver's license or medical certificate expires between March 10, 2020 and May 10, 2020, a current driver will not be disqualified and will have an extension of time to provide updated documentation through May 10, 2020
Rule 6708(b)	If a driver's license, medical certificate, or vehicle registration expires between March 10, 2020 and May 10, 2020, a current driver will not be disqualified and will have an extension of time to provide updated

	documentation through May 10, 2020
Rule 6713e)	If a medical certificate expires between March 10, 2020 and May 10, 2020, a current driver will not be disqualified as operating as a driver and will have an extension of time to provide updated documentation through May 10, 2020
Rule 6714	Suspend all vehicle inspections between March 10, 2020 and May 10, 2020; any expiration of a vehicle inspection report during that time shall not disqualify a driver
Rule 6716(a)	If a driver has an expired medical certificate, driver’s license, or vehicle inspection between March 10, 2020 and May 10, 2020, a current driver will not be disqualified
Rule 6723(k)	If a driver has an expired vehicle inspection certificate between March 10, 2020 and May 10, 2020, a current driver will not be disqualified

3. Lyft states that its drivers are facing “insurmountable” challenges in complying with Commission rules due to COVID-19. Lyft explains its drivers: cannot obtain physical examinations due to medical office closures and triage; cannot obtain vehicle registration and driver license documents from government offices due to required closures of public buildings and social distancing; and cannot obtain vehicle inspections due to closures by businesses and service providers and social distancing. Lyft states the requested waivers will advance social distancing efforts to protect the health, safety, and welfare of its drivers and partners because drivers will not be required to visit their doctors or government offices. Lyft contends these unprecedented and unforeseen considerations of hardship and equity provide the “good cause” for waiver required by Rule 4 CCR 723-1-1003(a) of the Commission’s Rules of Practice and Procedure.

4. Lyft requests a waiver of the rules from March 10, 2020, the date Governor Polis declared a COVID-19 state of emergency, through May 10, 2020, with an opportunity for Lyft to request a further extension if warranted.

5. Lyft specifies the requested waivers would only apply to drivers currently operating on the Lyft platform.

6. Lyft requests that, due to the unprecedented impact on transportation services and extraordinary government measures regarding COVID-19, and therefore the time-sensitive nature of its Petition, the Commission waive (or alternatively shorten) the standard notice and intervention period set forth in Rule 4 CCR 723-1-1003(b) and Rule 4 CCR 723-1-1206(d) of the Commission's Rules of Practice and Procedure, and any applicable response times.

7. Rule 4 CCR 723-1-1003(b) specifies that if a petition requests a waiver to be effective less than 40 days after the date of filing, the petition must include a request to waive or shorten the default 30-day period for Commission notice and intervention set forth in Rule 4 CCR 723-1-1206(d).

8. We find it appropriate in these circumstances to shorten the period for notice, intervention, and response to the Petition in order to adopt an accelerated procedural schedule to rule on the requests in the Petition. In considering Lyft's request to waive or shorten the standard notice period, however, we must weigh the time-sensitive nature of the Petition with the need to provide interested persons notice and opportunity to respond and the requirement in § 40-6-108(2), C.R.S., that the Commission provide notice of petitions to interested persons. The Commission therefore establishes a shortened period through **12:00 p.m. on March 30, 2020**, for notice, intervention, and response to the Petition. We intend to then take up the merits of the Petition at the April 1, 2020 Commissioners' Weekly Meeting.

II. ORDER

A. It Is Ordered That:

1. The Commission adopts a shortened period for notice, intervention, and response to the petition filed by Lyft, Inc. on March 20, 2020, seeking a temporary waiver of certain Commission rules from March 10, 2020, through May 10, 2020 (Petition).

2. Any person desiring to intervene or participate as a party in this proceeding shall file a petition for leave to intervene or, pursuant to the Commission's Rules of Practice and Procedure, other appropriate pleadings to become a party, together with any response supporting or opposing the Petition, on or before **12:00 p.m. on March 30, 2020**.

3. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments on or before **12:00 p.m. on March 30, 2020**, addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 25, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners