

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0275EC

IN THE MATTER OF THE PETITION OF A LUXURY LIMO & SEDAN SERVICE, LLC
FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: September 1, 2020
Adopted Date: August 26, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on June 23, 2020 by A Luxury Limo & Sedan Service, LLC (A Luxury Limo & Sedan Service).

2. A Luxury Limo & Sedan Service requests a waiver of Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age and Condition of Passenger Carrying Motor Vehicles). A Luxury Limo & Sedan Service was issued Permit No. LL-01180 by the Commission on June 26, 2006 to provide luxury limousine service as a limited regulation carrier.

3. The vehicle for which a waiver is requested is a 2005 Lincoln Town Car¹ with a total of 106,748 miles. The petition filed by A Luxury Limo & Sedan Service on June 23, 2020 requested a waiver of Rule 6117(c) from December 31, 2020 through December 31, 2022.

¹ The vehicle identification number of the 2005 Lincoln Town Car is 1L1FM88WX5Y656069.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 29, 2020, for a period of ten days.

5. The ten-day notice period expired on July 9, 2020. 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 Lincoln Town Car named in this petition is 15 model years old from January 1, 2020 through December 31, 2020. Therefore unless A Luxury Limo & Sedan Service is granted a waiver of Rule 6117(c) for the 2005 Lincoln Town Car, it may not continue to provide luxury limousine service with this vehicle as of January 1, 2021.

9. In support of this petition, Donald Hafer, the owner of A Luxury Limo & Sedan Service, states:

This limousine is like new [with] everything in perfect working condition. I cannot afford a new limo for \$90,000. Since March, 2020, my business has

been down 90% due to Covid-19 & also due to the protests. If this request is turned down, it will put me out of business.

This vehicle has: new engine[,] new headlights[,] new exterior paint[,] new battery[,] new vinyl top[,] new tires x4[.]

This limo does 100% funeral runs.

10. A Luxury Limo & Sedan Service submitted a vehicle inspection report with this petition. The inspection report was completed on April 9, 2020 and does show that the 2005 Lincoln Town Car passed the inspection. Photographs of the interior and exterior of the 2005 Lincoln Town car submitted with this petition do support Mr. Hafer's statements that the vehicle is in good condition.

11. In consideration of the information provided by A Luxury Limo & Sedan Service with this petition, the Commission finds that good cause has been shown to grant in part a waiver of Rule 6117(c). However, a waiver for the two-year period requested in this petition may be excessive. Therefore, the waiver period shall be granted from January 1, 2021 through December 31, 2021.

II. ORDER

A. The Commission Orders That:

1. The petition of A Luxury Limo & Sedan Service, LLC filed on June 23, 2020, for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, for the 2005 Lincoln Town Car is granted in part from January 1, 2021 through December 31, 2021.

2. A Luxury Limo & Sedan Service, LLC shall keep a copy of this Decision in the 2005 Lincoln Town Car and shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

3. A Luxury Limo & Sedan Service, LLC shall have the 2005 Lincoln Town Car inspected pursuant to the requirements in Rule 6117(d) and the vehicle shall pass such inspection in order for this waiver to be valid. A Luxury Limo & Sedan Service, LLC shall maintain copies of the completed inspection forms in the 2005 Lincoln Town Car.

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
August 26, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners