

Decision No. C20-0850

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0490EC

IN THE MATTER OF THE PETITION OF ABSOLUTE PRESTIGE LIMOUSINE SERVICE, LTD. FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6117(C) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: December 8, 2020
Adopted Date: December 2, 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 Regulated Intrastate Carrier Rules filed on November 10, 2020 by Absolute Prestige Limousine Service, Ltd. (Petitioner).

2. Petitioner requests a waiver from Rule 6117(c) 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 2004 H-2 Hummer, VIN No. 5GRGN23U64H111717. The waiver is requested from November 10, 2020 through November 10, 2025.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 16, 2020.

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. In accordance with Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers from Commission rules 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, states that “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. Petitioner currently holds a permit from the Commission to operate as a luxury limousine carrier, Permit No. LL-01035.

9. In support of the waiver, when identifying the reason for the petition, the Petitioner states: “[Petitioner] has been a provider of high-end luxury transportation in the Grand Junction, Mesa County, Colorado market since 1999. Due to the limited number of companies providing a similar service in the area, it would be a disservice to the community as well as the visiting tourist populous to eliminate our service by requiring the removal of available limousines due to age. Our limousines are maintained in pristine condition and therefore support the overall policy of the Public Utilities Commission. Our company has never had an at fault accident. It is our goal to remain in business and continue to provide service to our customers and visitors in spite of the pandemic because we feel this is a valuable service. In conclusion, [Petitioner] respectfully requests that you grant the requested Waiver/Variance that will allow us

to continue to be of service to our local community and those who enjoy visiting this beautiful area.”

10. Petitioner submitted six photographs of the vehicle’s interior and exterior, the past three years of Annual Vehicle Inspection Forms, previous work orders, a valuation statement, safety features of the vehicle, proof of ownership, a revenue report and a loan status statement. The photographs confirm the 2004 H-2 Hummer is a large stretch type of limousine with an elaborate interior.

11. Considering the unusual circumstances of COVID-19 and the fact the vehicle listed in this Petition is only one year beyond the age limit, the Commission finds that good cause has been shown to grant a waiver from Rule 6117(c) for the 2004 H-2 Hummer named in this Petition and grants this Petition from the mailed date of this Decision through December 31, 2021.

II. ORDER

A. The Commission Orders That:

1. The petition of Absolute Prestige Limousine Service, Ltd. for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is granted, from mailed date of this Decision through December 31, 2021.

2. Absolute Prestige Limousine Service, Ltd. shall keep a copy of this Decision in the 2004 H-2 Hummer. Absolute Prestige Limousine Service, Ltd. shall provide this Decision immediately on request by any Commission enforcement official.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 2, 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 C. GAVAN

MEGAN GILMAN

Commissioners