

Decision No. C21-0181

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0104EC

IN THE MATTER OF THE PETITION OF MICHAEL RIESSEN DOING BUSINESS AS LITM TRANSPORT FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

COMMISSION DECISION DENYING WAIVER

Mailed Date: March 26, 2021

Adopted Date: March 24, 2021

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 March 5, 2021 by Michael Riessen, doing business as LITM Transport (Petitioner).

2. Petitioner requests a waiver from Rule 6305 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 2017 Subaru Outback, VIN No. 4S4BSANC5H3300893. The waiver is requested from April 1, 2021 through April 1, 2022.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 8, 2021.

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 rendering a decision, 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 6305(a)(II)(A), 4 CCR 723-6, identifies a “Luxury Limousine” as an “executive car, which is a Motor Vehicle that has four doors and is: a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infinity, Jaguar, Land Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla or Volvo.” Rule 6305(a)(VI) also identifies a luxury limousine as “any Motor Vehicle for which the Motor Carrier has paid \$50,000 or more, as evidenced by a copy of the dealer bill of sale submitted to the Colorado Department of Revenue on form DR2407, dated no more than 180 days prior to placing the vehicle into service.”

8. In support of the waiver, when identifying the reason for the petition, the Petitioner states:

Please issue LITM Transport a waiver to include a 2017 Subaru Outback 2.5 into the luxury limousine category. [I want] to start a boutique conceiarge [*sic*], guide and transportation company. This vehicle is a perfect luxury “mountain” vehicle for this business.

[I bought] this vehicle (after looking into other cars, that are on the luxury limousine list) specifically [*sic*] for this premier market. [I worked] for transportation companies for the last 10 years and guests have enjoyed me and my driving[.]

[I have] lived and worked in Aspen for 30 plus years and have worked in the guest service area for most of it. [I have] great relations with local hotels and properties.

This business model is all I have[.] If a waiver is not granted, it will cause me serious economic hardship.¹

¹ Letter to Commission at 1.

9. 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.

10. The information submitted by the Petitioner does not support the granting of this waiver for a vehicle that is not listed as a luxury limousine. Therefore, the Commission finds that good cause has not been shown by the Petitioner to waive the safety requirements of 4 CCR 723-6.

II. ORDER

A. The Commission Orders That:

1. The petition of Michael Riessen, doing business as LITM Transport for a waiver from Rule 6305 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is denied.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 24, 2021.**

(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

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners