

Decision No. C24-0670

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24V-0354EC

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

**COMMISSION DECISION GRANTING
PETITION FOR RULE WAIVER, IN PART**

Issued Date: September 17, 2024

Adopted Date: September 11, 2024

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 August 22, 2024, by LA Rides LLC ("Petitioner").

2. Petitioner requests a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* ("CCR") 723-6. This rule provides, in relevant part, the criteria for luxury limousine vehicles, including categories of vehicles that can be classified as a luxury limousine. Rule 6305(b), 4 CCR 723-6, provides, "A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation

experience in the relevant market to be served." This rule allows for the Commission to exercise discretion regarding a particular vehicle's fitness to be operated as a luxury limousine.

3. Petitioner requests a waiver for a 2023 Toyota Highlander Platinum, VIN No. 5TDEBRCH4PS595142. Petitioner requests a waiver for the period of August 20, 2024, through August 20, 2027.

4. The Commission noticed this Petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 27, 2024. 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. In accordance with Rule 1003 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant a request to waive Commission rules for good cause shown. In rendering its 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.

6. In support of its request for rule waiver, Petitioner states:

A Toyota Highlander Platinum vehicle should be allowed for the Luxury Limousine classification. Our vehicle provides an excellent ride and people always comment on how nice it is. Platinum vehicles have all the creature comforts such as heated rear seats, leather interior, rear AC control, and rear power ports which are all desired features for a luxurious ride. In addition we've added window tint and soundproofing to make the ride more enjoyable. [sic]

7. For the underlying vehicle, Petitioner submitted multiple photos, a receipt for the referenced window tinting, a vehicle inspection, and a copy of the bill of sale from September 2023. Based on the submitted photos, the underlying vehicle appears to be in a good and clean condition. The interior also appears to have captain's chairs and prominent leather

seating, as described by Petitioner. The seating capacity can accommodate up to six passengers, excluding the driver. The submitted receipt for the window tinting demonstrates this feature was applied in September 2023, within weeks of the vehicle's purchase date. The window tinting was applied to all appropriate windows, including the sunroof. The submitted vehicle inspection was completed on August 7, 2024, and the vehicle appears to have met all applicable criteria for a passed inspection. According to the bill of sale, Petitioner purchased the vehicle on September 15, 2023. The total cash value of the vehicle is listed as \$55,058.00, with the overall purchase price being \$61,938.45, including all applicable taxes and fees. Given these amounts, the vehicle would have qualified as a luxury limousine vehicle, pursuant to Rule 6305(a)(VI), 4 CCR 723-6, had it been purchased more recently.

8. Given all available information, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(a), 4 CCR 723-6, for the 2023 Toyota Highlander Platinum named in this petition. However, the requested period for the waiver, from August 20, 2024, through August 20, 2027, is inappropriate. Waivers of this type are typically granted for two years or less, depending on the circumstances. As such, the requested waiver will be granted, in part, for a two-year period, which will coincide with the Issued Date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The Petition of LA Rides LLC for a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* ("CCR") 723-6, filed on August 22, 2024, is granted, in part, for the 2023 Toyota Highlander Platinum, VIN No. 5TDEBRCH4PS595142, for two years from the effective date of this Decision.

2. The waiver is conditional on the aforementioned vehicle passing a vehicle safety inspection, pursuant to Rule 6117(b), 4 CCR 723-6.

3. LA Rides LLC shall keep a copy of this Decision and proof of inspection in the aforementioned vehicle, pursuant to Rule 6107(b), 4 CCR 723-6.

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 immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 11, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners