

Decision No. C25-0793

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25V-0413EC

IN THE MATTER OF THE PETITION OF Z3 IMPACT GROUP LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**COMMISSION DECISION DENYING PETITION FOR
RULE WAIVER**

Issued Date: November 5, 2025

Adopted Date: October 29, 2025

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 ("Petition") filed on October 1, 2025, by Z3 Impact Group 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 2021 Toyota 4Runner TRD PRO, VIN No. JTELU5JR8M5952356. Petitioner requests a waiver for the period of October 1, 2025, through October 1, 2027.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on October 13, 2025. 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:

To the Commission: Rule 6305(IV) defines "Luxury 4 Wheel Drive" vehicles as Toyota models in the Limited, Platinum, or equivalent class. The 2021 Toyota 4Runner TRD PRO is Toyota's flagship trim, positioned above the Limited and representing the highest tier of capability, equipment, and value in the 4Runner lineup. While Toyota does not offer a "Platinum" trim for this model line, the TRD PRO serves as the functional and market equivalent, exceeding the Limited with premium interior finishes, JBL premium audio, Toyota Safety Sense with Blind Spot Monitor and Rear Cross-Traffic Alert, and exclusive upgrades such as TRD-tuned FOX high-performance shocks, skid plates, and all-terrain features. The TRD PRO carries a higher MSRP and resale value than the Limited, and is consistently ranked by independent automotive reviews as the most capable and premium 4Runner available. Denying recognition of the TRD PRO as "equivalent or higher" would arbitrarily exclude Toyota's top-tier trim from

eligibility, contrary to the Commission's stated intent to include Limited, Platinum, or equivalent luxury 4WD vehicles. For these reasons, I respectfully request that the Commission grant this waiver and affirm the TRD PRO as meeting or exceeding the standard outlined in Rule 6305(IV).

7. For the underlying vehicle, Petitioner submitted several photographs. Petitioner did not submit any other information or documentation into the record.

8. In the provided narrative, Petitioner's primary argument appears to be the similarity of the underlying vehicle to those that would otherwise be qualified under Rule 6305(a)(IV), 4 CCR 723-6, which describes the luxury 4 wheel drive category. However, this rule specifically identifies a "4 wheel drive crew-cab pickup" as the vehicle type that is qualified under this category. The underlying vehicle is more correctly categorized as a Sport Utility Vehicle (SUV), as opposed to a crew-cab pickup, so this is not the most comparable category. Rather, Rule 6305(a)(II), 4 CCR 723-6, which describes the executive car category, seems more appropriate.

9. In addition, while the photographs demonstrate that the underlying vehicle is in a good and clean condition, there is minimal demonstration of any luxurious features befitting a qualified luxury limousine vehicle. Furthermore, the specific features outlined in Petitioner's narrative are primarily mechanical and safety-related in nature, as opposed to those targeting a luxurious and comfortable passenger transportation experience.

10. Finally, Petitioner declined to explain or describe the relevant market to be served by their transportation operation, as Rule 6305(b), 4 CCR 723-6, indicates should be referenced in petitions for waiver of this particular rule.

11. Given all available information, there is insufficient support to grant the requested waiver. Therefore, the Commission finds that good cause has not been shown by Petitioner and

the request for a waiver of Rule 6305(a), 4 CCR 723-6, is denied for the 2021 Toyota 4Runner TRD PRO named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Z3 Impact Group LLC for a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, filed on October 1, 2025, 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 immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 29, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners