

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0297EC

IN THE MATTER OF THE PETITION OF CASTLE ROCK TRANSPORTATION FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER CONCERNING THE AGE OF MOTOR VEHICLE RULE 6305 (B) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER

Mailed Date: May 19, 2014

Adopted Date: May 14, 2014

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 Limited Regulation Carrier Rules filed on April 1, 2014, by Castle Rock Transportation (Petitioner).

2. Petitioner requests a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested involves a 2004 BMW 745LI, VIN No. WBAGN63574DS53869. The waiver is requested from June 1, 2014 through July 1, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 7, 2014.

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. Pursuant to 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 6305(b), 4 CCR 723-6, states that “luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year.”

8. In support of the petition, Petitioner notes that it operates as a limited regulation passenger carrier pursuant to PUC Permit No. LL-02492 in the Castle Rock and Douglas County area. Petitioner states the following as the reason for the waiver:

As a brand new small business I was under the impression (wrongly) that I would be able to operate the vehicle until January of 2015, especially considering the [vehicle’s] excellent condition and manufactured in 2005. In the last two months I have replaced the brakes, purchased new tires, had the ac recharged, and gotten the windows tinted costing about 2,500 dollars. I routinely get [frequent] compliments from the costumers stating [they] are pleased with the condition and ride of the vehicle. Without an [extension], I am unsure financially how I will get this business off of the ground. ...

9. Petitioner submitted pictures of the interior and exterior of the vehicle named in the petition. It is a luxurious vehicle that appears to be in good condition. The petition states that the total mileage on the vehicle is 98,890 miles.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2004 BMW 745LI named in this petition.

11. Petitioner is advised that the grant of the waiver of Rule 6305(b) for the vehicle named in this petition does not ensure that this vehicle will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of Castle Rock Transportation for a waiver of Rule 6305(b) for the 2004 BMW 745LI (VIN No. WBAGN63574DS53869) is granted from June 1, 2014 through July 1, 2015.

2. Castle Rock Transportation shall keep a copy of this Decision in the 2004 BMW 745LI (VIN No. WBAGN63574DS53869) named in this petition. Castle Rock Transportation shall provide this Decision immediately on request by any Commission enforcement official.

3. Castle Rock Transportation shall have the 2004 BMW 745LI named in this petition inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and, the vehicle shall pass such an inspection. Castle Rock Transportation shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Castle Rock Transportation fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6305(b) shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 14, 2014.**

(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

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.