

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0460EC

IN THE MATTER OF THE PETITION OF DAS TRAN 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**

Mailed Date: October 11, 2023
Adopted Date: October 4, 2023

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 September 13, 2023, by DAS Tran 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 2018 Toyota Highlander, VIN No. 5TDJZRFH0JS890073. Petitioner requests a waiver for the period of September 12, 2023, through September 12, 2025.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 18, 2023. 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:

My car is a Toyota Highlander a luxury midsize three-row SUV with seating of 7 passengers, it is limited and Platinum, total cost of purchasing \$47800.80, the invoice is attached. [sic]

7. For the underlying vehicle, Petitioner submitted multiple photos, insurance policy information, as well as a copy of the financing sale contract from July 2023. Based on the submitted photos, the underlying vehicle appears to be in a good and clean condition. The interior also appears to include captain’s chairs and the potential for expanded seating (supporting up to seven total passengers) within a compact vehicle frame. The submitted

insurance policy information demonstrates that the underlying vehicle has a commercial policy, effective September 12, 2023. According to the financing sale contract, the underlying vehicle was purchased by Petitioner on July 3, 2023. While it does not appear that Petitioner included any kind of down payment as part of the transaction, the amount financed through the contract was \$47,800.80. Given the total amount due through the contract, the vehicle may have been close to qualifying as a luxury limousine vehicle, pursuant to Rule 6305(a)(VI), 4 CCR 723-6.

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 2018 Toyota Highlander named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of DAS Tran 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 September 13, 2023, is granted for the 2018 Toyota Highlander, VIN No. 5TDJZRFH0JS890073, from the effective date of this Decision until September 12, 2025.

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

3. DAS Tran 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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 4, 2023.**

(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