

Decision No. C23-0025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22V-0551EC

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

**COMMISSION DECISION
DISMISSING THE PETITION**

Mailed Date: January 10, 2023

Adopted Date: January 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 December 6, 2022 by Lawrence J. Lambe (Petitioner).

2. According to the filing, Petitioner requests a waiver of Rule 6308(III) of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. Petitioner requests a waiver for a 2019 Toyota Sienna, VIN No. 5TDDZ3DCXKS227046. Petitioner requests a waiver for the period of December 15, 2022 through December 15, 2028.

4. The Commission was unable to properly notice this petition to all interested persons, firms, and corporations, pursuant to § 40-6-108(2), C.R.S., considering the lack of accurate information that would be necessary for such a notice to occur.

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:

I Purchased a Toyota Sienna Black Van (2019) with the intention of using it as a limo in Aspen.Co. I find out that its not considered for limo service. Could you reconsider allowing this Van to be used as a limo for me. I'm in Debt with this Car and Need to put it to work. Soon thx. [sic]

7. Based on insufficient and/or incorrect information in the petition, a deficiency letter was sent to Petitioner, on December 16, 2022, requesting additional information. The additional information requested included the correct rule Petitioner is requesting to be waived. In the petition, Rule 6308(III), 4 CCR 723-6, was cited, which is a rule that does not exist. The deadline for Petitioner to submit the additional information was December 27, 2022. Petitioner failed to submit the requested additional information. Therefore, it is appropriate to dismiss the petition for lack of required information.

II. ORDER

A. The Commission Orders That:

1. The petition of Lawrence J. Lambe for a waiver of Rule 6308(III) of the Commission’s Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, filed on December 6, 2022, is dismissed.

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
January 4, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners