

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0028EC

IN THE MATTER OF THE SECOND PETITION OF LEGEND INNOVATION LAB & DESIGN STUDIO 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: February 2, 2023
Adopted Date: January 25, 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 January 5, 2023, by Legend Innovation Lab & Design Studio 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 Kia Stinger, VIN No. KNAE35LC8J6035249. Petitioner requests a waiver for a two-year period.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 9, 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 that on December 15, 2022, the Commission denied their application for reconsideration, as it pertains to a previously submitted petition covering identical subject matter. Pursuant to its decision,¹ the Commission stated that it “would be open to Petitioner refiling the petition, in a new proceeding, having included this additional supportive information.” Petitioner indicates that they are the

¹ See Decision No. C22-0813, Proceeding No. 22V-0411EC.

sole member/owner of the company, which is an entrepreneurial startup seeking to serve Colorado visitors as an adventure company providing unique experience-based tours and guided travel opportunities. Petitioner's services include luxury transportation from Denver International Airport (DIA). Petitioner states that existing providers do not have the ability to provide the unique door-to-door services offered by Petitioner. Petitioner owns the underlying vehicle and claims that selling this vehicle and purchasing a different one would expend its limited startup capital, causing a financial burden and hardship. Petitioner also points to the current historic inflation rates and recessionary factors. In addition, Petitioner identifies the underlying vehicle as comparable to other luxury limousine models. Petitioner also claims that, since this particular model of vehicle has been discontinued, there is no risk that it will become a prevalent model used in the luxury limousine market. In addition, Petitioner states that the underlying vehicle fits within the age parameters for luxury limousine vehicles. Petitioner also points out that the underlying vehicle was named the MotorWeek car of the year, can fit more luggage than most luxury sedans, making it ideal for Colorado visitors, and features all-wheel drive to assist with Colorado's harsh winters.

7. For the underlying vehicle, Petitioner submitted a copy of a safety inspection from September 2022.

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 Kia Stinger named in this petition. The waiver will be granted for the requested two-year period, which will coincide with the effective date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The petition of Legend Innovation Lab & Design Studio 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 January 5, 2023, is granted for the 2018 Kia Stinger, VIN No. KNAE35LC8J6035249, 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. Legend Innovation Lab & Design Studio 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
January 25, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners