

Decision No. C23-0609

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23V-0409EC

IN THE MATTER OF THE PETITION OF SONGHAI SISTERS LLC DOING BUSINESS AS ROCKY MOUNTAIN CARERIDE 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: September 12, 2023
Adopted Date: August 30, 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 August 9, 2023, by Rocky Mountain CareRide (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 Nissan Murano, VIN No. 5N1AZ2MH6JN159644. Petitioner requests a waiver for the period of July 24, 2023, through July 24, 2025.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 14, 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:

The manufacturer lists the 2018 Nissan Murano AWD as a SL “Standard Luxury” vehicle that include luxury features such as: leather upholstery, heated front and rear seats, heated steering wheel, moonroof, 11-speaker Bose premium audio system, driver’s seat memory function and, motion-activated liftgate. There are several standard luxury driver aids such as : adaptive cruise control, driver alertness, and surround-view cameras. [*sic*]

7. Furthermore, Petitioner states that the underlying vehicle is ideal for transporting individuals in a clean, comfortable, and well-maintained vehicle. Petitioner also states that approving the waiver will allow them to offer their clients accessibility for appointments, both

day and night, with the convenience of not having to rely on friends or family for their transportation needs.

8. For the underlying vehicle, Petitioner submitted multiple photos. The photos appear to show the vehicle in a good and clean condition.

9. 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 Nissan Murano named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Rocky Mountain CareRide 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 August 9, 2023, is granted for the 2018 Nissan Murano, VIN No. 5N1AZ2MH6JN159644, from the effective date of this decision through July 24, 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. Rocky Mountain CareRide 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
August 30, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners