

Decision No. C24-0572

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24V-0304EC

IN THE MATTER OF THE PETITION OF BLA BLA CITY TOURS LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**COMMISSION DECISION
DENYING PETITION FOR RULE WAIVER**

Issued Date: August 12, 2024

Adopted Date: July 31, 2024

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 July 8, 2024, by Bla Bla City Tours 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 2019 Toyota Highlander Limited, VIN No. 5TDDZRFH5KS702338. Petitioner requests a waiver for the period of June 30, 2024, through June 30, 2026.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 16, 2024. 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 the underlying vehicle possesses the essential qualities and capabilities expected of a luxury limousine vehicle. Petitioner cites the vehicle's spacious interior and advanced safety features. Petitioner also mentions that the vehicle's reputation for reliability and fuel efficiency aligns with the Commission's objectives of promoting sustainability and reduced emissions. Petitioner references a hardship related to personal financial constraints that would make it difficult to procure a qualified luxury limousine vehicle in the current market conditions. Petitioner also commits to following all the regulatory requirements for luxury limousine operations overseen by the Commission.

7. For the underlying vehicle, Petitioner submitted a copy of a vehicle inspection. The inspection was completed on June 12, 2024, and the vehicle appears to have met all applicable criteria for a passed inspection.

8. Petitioner did not submit any other information or documentation into the record. Petitioner did not elect to provide any photos of the underlying vehicle, which could potentially show the vehicle in a good and clean condition or demonstrate the features referenced in the provided narrative. Likewise, Petitioner did not submit any additional maintenance-related information or other relevant documentation. Petitioner also failed to provide further explanation as to why the underlying vehicle provides a luxurious and specialized transportation service, consistent with the Commission's policies of a luxury transportation experience and befitting of the relevant market to be served, as specified in 6305(b), 4 CCR 723-6.

9. Given all available information, there is insufficient support to grant a waiver for this type of vehicle. Therefore, the Commission finds that good cause has not been shown by Petitioner and the request for a waiver of Rule 6305(a), 4 CCR 723-6, is denied for the 2019 Toyota Highlander Limited named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Bla Bla City Tours LLC for a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, filed on July 8, 2024, is denied.

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 immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 31, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director