

Decision No. C24-0605

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24V-0322EC

IN THE MATTER OF THE PETITION OF TRANQUILITY CAR SERVICE, 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**

Issued Date: August 21, 2024

Adopted Date: August 14, 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 29, 2024, by Tranquility Car Service, LLC (the "Petitioner").

2. The 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 two different vehicles, including a 2015 Ford Escape SE, VIN No. 1FMCU9GX2FUC79196, and a 2009 Ford F150 XL, VIN No. 1FTPW14V59KB33492. Petitioner requests a waiver for the period of July 29, 2024 through July 29, 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 30, 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, the Petitioner states:

I have been a Licensed massage Therapist for 25 years, & cannot do the number of massages I used to. I have several clients that recently retired, and going to travel. They would rather pay me, and support my business, so I am starting a car service business to take clients to & from the airport. Also, possible events, & Dr's Appts. So I am attempting to be approved for an LL Stamp. [*sic*]

7. For the underlying vehicles, the Petitioner submitted multiple photos and vehicle inspections. Based on a review of the submitted photos, the underlying vehicles appear to be in a good and clean condition. Both vehicle inspections were completed on July 29, 2024, and the vehicles appear to have met all applicable criteria for a passed inspection.

8. The Ford Escape SE vehicle appears to have a sleek, dark grey exterior and a comfortable interior seating arrangement.

9. The Ford F150 XL vehicle would qualify as a luxury limousine, pursuant to Rule 6305(a)(IV), 4 CCR 723-6, which is the Luxury 4 Wheel Drive category, if it was in the Limited, Platinum, or equivalent class. While the underlying vehicle does not appear to be within one of these more premium classes, it does appear to partially meet the criteria of the rule by being a "crew-cab pickup manufactured by Chevrolet, Ford, GMC, Nissan, Ram, or Toyota."

10. 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 2015 Ford Escape SE and 2009 Ford F150 XL named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Tranquility Car Service, 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 July 29, 2024, is granted for the 2015 Ford Escape SE, VIN No. 1FMCU9GX2FUC79196, and the 2009 Ford F150 XL, VIN No. 1FTPW14V59KB33492, from the effective date of this Decision through July 29, 2026.

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

3. Tranquility Car Service, LLC shall keep a copy of this Decision and proof of inspection in the aforementioned vehicles, 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 issues this Decision.

5. This Decision is effective immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 14, 2024.**

(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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MEGAN M. GILMAN

TOM PLANT

Commissioners