

Decision No. C24-0753

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24R-0448TR

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULES REGULATING MAXIMUM RATES FOR LARGE-MARKET TAXICAB SERVICE, 4 CODE OF COLORADO REGULATIONS 723-6.

NOTICE OF PROPOSED RULEMAKING

Issued Date: October 22, 2024

Adopted Date: October 9, 2024

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (“Commission”) hereby issues this Notice of Proposed Rulemaking (“NOPR”) to consider amendments to the Commission’s Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (“CCR”) 723-6. The statutory authority for adoption of these rules is set forth in §§ 40-2-108, 40-10.1-106, and 40-10.1-702, C.R.S. This NOPR intends to address concerns related to the maximum rates that large-market taxicab service is eligible to charge consumers for various categories of service.

2. The Commission issues this NOPR to review, examine, and consider revisions to its rules regarding large-market taxicab service. The proposed amendments reflect the Commission’s intent to update the maximum rates that can be charged for taxicab service within the ten most populous counties in Colorado, including Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld.

3. The proposed amendments to the large-market taxicab service rules are available for review as Attachment A (redline/strikeout) and Attachment B (legislative) to this Decision, through the Commission’s Electronic Filings website (Proceeding No. 24R-0448TR) at https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=24R-0448TR.

4. The Commission welcomes comments from interested rulemaking participants regarding the amendments proposed in this NOPR. To the extent a participant disagrees with the proposed amendments, they are encouraged to submit comments that include any suggested revisions to the rule language in legislative (*i.e.*, strikeout) format.

B. Background

5. On June 1, 2018, Governor John Hickenlooper signed House Bill 18-1320, Deregulation of Large-Market Taxicab Service. This bill created the updated regulatory framework for larger taxicab carriers operating in the most populous counties in Colorado.

6. On October 29, 2018, the Commission issued Decision No. C18-0963 adopting temporary rules for large-market taxicab service, effective on the same date.¹ The temporary rules included the adoption of maximum rates for traditional taxicab services, as follows:

Flag Drop	\$3.50
Per Mile	\$2.80
Traffic Delay	\$0.40
Waiting Time Per Minute After Five Minutes	\$0.50
Additional Passenger Fee	\$1.00
Additional Baggage Fee After Three Bags	\$1.00

7. On May 14, 2019, an Administrative Law Judge (“ALJ”) issued Recommended Decision No. R19-0417 adopting permanent rules for large-market taxicab service. The effective

¹ See 18R-0749TR.

date of the permanent rules was August 14, 2019.² The permanent rules included the adoption of the same maximum rates that were adopted in the temporary rules, as noted above.

8. Based on a recently filed petition for waiver/variance,³ it has been brought to the attention of the Commission that an increase to the maximum rates for large-market taxicab service may be necessary. Justification for such an increase may include higher levels of inflation and cost of living increases seen in recent years.

C. Discussion of Proposed Amendments to Large-Market Taxicab Service Rules

9. The proposed amendments to the large-market taxicab service rules are shown in Attachment A (redline) and Attachment B (clean) to this Decision. These changes are described in this section, along with discussion of the policy reasons associated with the proposed amendments.

1. Rule 6804 – Maximum Rates for the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer and Weld.

10. The proposed amendments to Rule 6804(a) include updated maximum rates for various large-market taxicab service. The proposed increases utilize the Consumer Price Index (“CPI”), as listed in the Denver-Aurora-Lakewood inflation metric, by the Colorado Department of Local Affairs. These inflation increases include the compounded values from 2018 through 2023, which is approximately 26 percent. This seems to be an appropriate metric to use for such a maximum rate increase, as it mirrors a similar annual inflation adjustment mechanism for the maximum rates for various towing carrier services, as noted in Rule 6511.

² See 18R-0915TR.

³ See 24V-0315CP.

D. Questions for Stakeholders

11. Given the nature of some of the proposed amendments to current rules, the Commission solicits additional information and comments from stakeholders. Interested persons are encouraged to submit written comments and participate in the rulemaking hearing convened in this matter.

12. Specifically, the Commission requests that stakeholders provide information and comments related to any potential expansion of the categories adopted in Rule 6804(a), such as temporary coupons and vouchers for different types of services, for amounts less than the updated maximum rates or specific types of services that are not currently captured, such as flat rates to, from, or within popular event venues, including the Red Rocks Amphitheatre.

13. Similarly, the Commission requests stakeholders provide information and comments on whether annual inflation adjustments to the maximum rates in Rule 6804(a) should be adopted by the Commission. This mechanism would include an automatic adjustment to these maximum rates, on an annual basis, based on the CPI or some other appropriate metric. A similar mechanism can be found in Rule 6511, as it pertains to maximum rates for towing services.

E. Conclusion

14. Through this NOPR, the Commission solicits comments from interested persons and stakeholders on whether to adopt, revise, or not adopt, some or all of the proposed amendments to the large-market taxicab service rules, as set forth in the attachments to this Decision and discussed above. The Commission encourages members of the transportation industry and other interested persons to participate in this Proceeding and to contribute to the rulemaking record, on which the Commission will base its decision on whether to adopt rule amendments.

15. The Commission refers this matter to an ALJ for the issuance of a recommended decision. The ALJ will hold a hearing on the proposed rules at the below-stated time and place. In addition to submitting written comments, participants will have an opportunity to present comments orally at the hearing, unless the ALJ deems oral presentations unnecessary. The Commission will consider all comments submitted in this Proceeding, whether oral or written.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking, including attachments, shall be filed with the Colorado Secretary of State for publication in the November 10, 2024 edition of *The Colorado Register*.

2. The Commission invites comments from interested persons on the proposed amendments to the Commission’s Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, as described in this Decision and its attachments. The Commission prefers and encourages interested persons to file comments through the Commission’s Electronic Filings website (Proceeding No. 24R-0448TR) at:
<https://www.dora.state.co.us/pls/efi/EFI.homepage>.

3. This matter is referred to an Administrative Law Judge (“ALJ”) for the issuance of a recommended decision.

4. The rulemaking hearing on the proposed rules and related matters shall be held before an ALJ, as follows:

DATE:	January 7, 2025
TIME:	11:00 a.m. Until concluded, but not later than 5:00 p.m.
PLACE	By video conference using zoom at a link in the calendar of events on the commission’s website, available at: https://puc.colorado.gov/

5. The ALJ will set procedures for a remote hearing, if necessary, by a separate decision issued in this Proceeding.

6. The ALJ may set additional hearings, if necessary.

7. Written comments may be filed at any time in this Proceeding. Initial written comments are requested to be filed no later than December 6, 2024, and any comments responsive to the initial comments are requested to be filed no later than December 27, 2024, so that the initial comments and responsive comments may be considered at the hearing.

8. At the time set for hearing, interested persons may submit written comments and may present these orally, unless the ALJ deems oral comments unnecessary. The Commission will consider all comments, whether written or oral.

9. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 9, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners

Rebecca E. White,
Director