

Decision No. C25-0059

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25V-0030EC

IN THE MATTER OF THE PETITION OF AURELIO, INC 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, IN PART**

Issued Date: January 27, 2025

Adopted Date: January 22, 2025

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 ("Petition") filed on January 2, 2025, by Aurelio, Inc ("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 2024 Volkswagen Atlas SE, VIN No. 1V2HR2CAXRC543990. Petitioner requests a waiver for the period of February 1, 2025, through December 31, 2030.

4. The Commission noticed this Petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 6, 2025. 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 total costs to purchase the underlying vehicle was over \$50,000.00 and the seven-passenger vehicle provides both comfort and convenience through intelligent features. Petitioner highlights a heads-up display, ample legroom in the third row, and other premium features. Petitioner also states that their business model is to transport passengers to and from hotels and the airport, as well as provide personal trips, the proceeds of which will supplement and enhance their retirement and social security benefits.

7. For the underlying vehicle, Petitioner submitted multiple photos, as well as a copy of the dealer bill of sale and vehicle purchase agreement/contract from March 2024. Based on the

submitted photos, the underlying vehicle appears to be in a good and clean condition. The vehicle appears to have a sleek, black exterior. It should be noted that the provided photos appear to have been taken in March 2024, around the same time Petitioner purchased the vehicle. According to the dealer bill of sale, Petitioner purchased the underlying vehicle on March 23, 2024. The manufacturer's suggested retail price is listed as \$48,306.00. According to the vehicle purchase agreement/contract, the total amount financed for the purchase was \$55,769.99, considering all associated fees/charges. However, the value of the vehicle was listed as being only \$44,517.00. Given the value of the vehicle listed on this documentation, the vehicle may have been close to qualifying as a luxury limousine vehicle, pursuant to Rule 6305(a)(VI), 4 CCR 723-6.

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 2024 Volkswagen Atlas SE named in this petition. However, the requested period for the waiver, from February 1, 2025, through December 31, 2030, is inappropriate. Waivers of this type are typically granted for two years or less, depending on the circumstances. As such, the requested waiver will be granted, in part, for a two-year period, which will coincide with the Issued Date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The Petition of Aurelio, Inc 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 2, 2025, is granted, in part, for the 2024 Volkswagen Atlas SE, VIN No. 1V2HR2CAXRC543990, 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. Aurelio, Inc 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 immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 22, 2025.**

(SEAL)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director