

Decision No. C25-0079

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25V-0032EC

IN THE MATTER OF THE PETITION OF TLOGAN LLC DOING BUSINESS AS SAPPHIRE CAR SERVICE 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: February 4, 2025

Adopted Date: January 29, 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 Sapphire Car Service ("Petitioner"). On January 13, 2025, Petitioner filed a slightly amended petition and provided additional documentation.

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 Buick Enclave, VIN No. 5GAEVAKWXJJ217521. Petitioner requests a waiver for the period of January 1, 2025, through January 1, 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 13, 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 underlying vehicle is in good condition and has not been in any accidents. Petitioner also states the vehicle has leather seats, with no tears, and has been mechanically maintained. Petitioner states the Commission has previously approved a waiver for this vehicle.¹ Petitioner states that not approving the vehicle for another waiver would cause a financial hardship, as the loan for the vehicle is still being paid.

¹ The Commission has previously granted a petition for waiver for the underlying vehicle. *See* Decision No. C19-0736, Proceeding No. 19V-0447EC.

7. For the underlying vehicle, Petitioner submitted multiple photos, which show both the interior and exterior. The vehicle appears to be in a good and clean condition. The vehicle also appears to have a comfortable interior seating arrangement, including leather seats and a Captain Chairs configuration in the middle row. The vehicle appears to have a seating capacity of seven, including the driver.

8. Petitioner also submitted a vehicle inspection that was completed on December 6, 2024, and the vehicle appears to have met all applicable criteria for a passed inspection.

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 Buick Enclave named in this petition. However, the requested period for the waiver, from January 1, 2025, through January 1, 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 Sapphire Car Service 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 2018 Buick Enclave, VIN No. 5GAEVAKWXJJ217521, 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. Sapphire Car Service 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.

**ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 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