

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0358CP

IN THE MATTER OF THE PETITION OF ALPINE TAXI/LIMO, INC., DOING BUSINESS AS ALPINE AND/OR GO ALPINE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: July 18, 2019

Adopted Date: July 10, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on June 21, 2019 by Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Alpine Taxi).

2. Alpine Taxi requests a waiver of Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested is a 1999 Ford E-450¹ Terratransit with 98,281 miles. The waiver is requested from June 21, 2019 through June 21, 2024.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 24, 2019, for a period of ten days.

¹ The vehicle identification number of the 1999 Ford E-450 is 1FDXE40F6XHB57244.

5. The ten-day notice period expired on July 5, 2019. No petition to intervene or otherwise participate in this proceeding has been filed. Therefore, the proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

6. In accordance with Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders for good cause. In making a determination, 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.

7. Rule 6117(c), 4 CCR 723-6 (Age and Condition of Passenger Carrying Motor Vehicles) states:

With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.

8. The Ford E-450 named in this petition is 20 model years older than allowed by Rule 6117(c). Therefore unless Alpine Taxi is granted a waiver of Rule 6117(c) for the 1999 Ford E-450, it may not continue to provide common carrier or luxury limousine service with this vehicle.

9. Alpine Taxi may, under Certificate of Public Convenience and Necessity (CPCN) No. 26246, provide several types of common carrier passenger transportation service between points in Routt and Moffatt Counties, State of Colorado, and between points in Routt and Moffatt, on the one hand, and many named points in several counties, on the other hand. Alpine

Taxi may also provide luxury limousine service under Permit LL-555. The manager of Alpine Taxi, Tracey Rogalski, provided the following statement to support this petition for waiver:

This specialty vehicle is used on rare occasions, however is greatly adored by those who do use the vehicle and provides a fun, unique opportunity for our small local community. With a resale value of \$12,000 and generating very little income it would be financially irresponsible for Go Alpine to try and replace this vehicle to meet the new age of motor vehicle rules and would have to remove this type of service from our fleet. This vehicle is used for community events such as prom and company parties, as well as for weddings as a fun way to celebrate a special event. Go Alpine does have upcoming weddings this summer which booked the Party Bus over a year ago (prior to the new rules going into effect), and thus Go Alpine seeks a waiver to both meet our previous commitments and to retain this unique vehicle as a fun, local transportation option for those seeking to celebrate.

10. On June 28, 2019, Alpine Taxi, record owner of CPCN No. 26246, filed an application, in Proceeding No. 19A-0367CP-Stock Transfer-TA, for temporary approval to sell all of the issued shares of capital stock in Alpine Taxi from Lisa Adamo to the Ogilvie Family Limited Partnership (Ogilvie Family LP). By Decision No. C19-0589, mailed on July 12, 2019, the Commission granted temporary approval for this sale of stock.

11. The Ford E-450 named in this petition for waiver is shown as an asset in Exhibit B – Asset List submitted with Proceeding No. 19A-0367CP-Stock Transfer-TA. The Ogilvie Family LP is purchasing all of the assets identified in Exhibit B. To allow the Ogilvie Family LP, as the temporary owner of the capital stock of Alpine Taxi to operate the Ford E-450, the waiver of the age rule will be granted in part for the same 180 day period as granted in Proceeding No. 19A-0367CP-Stock Transfer-TA.

II. ORDER

A. The Commission Orders That:

1. The petition of Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Alpine Taxi) for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor

Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, is granted in part for a period of 180 days beginning on the mailed date of this Decision.

2. Alpine Taxi shall keep a copy of this Decision in the 1999 Ford E-450 Terratransit named in the petition and shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

3. Alpine Taxi shall have the 1999 Ford E-450 inspected pursuant to the requirements in Rule 6117(d) 4 CCR 723-6 within 30 days of the effective date of this Decision, and the vehicle shall pass such inspection in order for this waiver to be valid. Alpine Taxi shall maintain copies of the completed inspection forms in the 1999 Ford E-450.

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 or serves this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 10, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners