

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0195EC

IN THE MATTER OF THE PETITION OF DISCOUNT LUXURY LIMOUSINE LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**DECISION DISMISSING APPLICATION
FOR REHEARING, REARGUMENT,
OR RECONSIDERATION AS MOOT**

Mailed Date: July 30, 2019

Adopted Date: July 25, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of an Application for Rehearing, Reargument, or Reconsideration (RRR) of Decision No. C19-0506, issued June 17, 2019, on the Petition filed by Discount Luxury Limousine LLC (Petitioner). This Decision dismisses the Petitioner's RRR request as moot.

B. Background

2. On April 15, 2019, the Petitioner filed a Petition for Waiver or Variance of Regulated Intrastate Carrier Rules (Petition). Petitioner requested a waiver from Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, which provides that the maximum age of motor vehicles utilized as a luxury limousine shall be limited to 15 model years.

3. Petitioner sought a waiver of Rule 6305(b) for a 2004 Hummer H-2. This waiver was requested through June 14, 2020.¹

4. The Commission did not find good cause to grant the Petition for waiver, particularly since the recent transportation rule changes that increased the age of luxury limousines from 10 to 15 years.²

5. On July 5, 2019, the Petitioner timely filed an Application for rehearing, reargument, or reconsideration of Decision No. C19-0506. Petitioner requests the Commission reconsider the Petition and grant the waiver for a period of 180 days to allow Petitioner to obtain financing and purchase a qualified vehicle to replace this vehicle.

C. Discussion

6. Petitioner currently holds a Commission permit to operate a Luxury Limousine service under LL-01960.

7. In accordance with Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers from Commission rules 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.

8. As of July 25, 2019, the 2004 Hummer H-2 named in the Petition is considered 15 model years old and may be used through December 31, 2019 without a waiver of the age of luxury limousine rule.

9. In Petitioner's Application for RRR, the Petitioner states that Decision No. C19-0506 will put the Petitioner out of business.

¹ The RRR requested the Petition through date be modified to "180 days".

² Decision No. C19-0506, dated June 17, 2019, ¶ 13.

10. Section 40-6-114(1), C.R.S., provides that after a decision has been issued by the Commission, a party may within 20 days, file an application for RRR. The Petitioner's Application for RRR was filed timely on July 5, 2019.

11. We find this Petition to grant a waiver of Rule 6305(b) for the 2004 Hummer H-2 named in this Petition through December 31, 2019, to be moot as current rules allow the use of this vehicle through December 31, 2019 without a waiver.

II. ORDER

A. The Commission Orders That:

1. Discount Luxury Limousine LLC's application for Rehearing, Reargument, or Reconsideration is dismissed as moot, consistent with the discussion above.

2. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument or reconsideration shall begin on the first day after the effective date of this Decision.

3. This Decision is effective on its mailed date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 25, 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