Decision No. C19-0658

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0196EC

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 GRANTING APPLICATION FOR REHEARING, REARGUMENT, OR RECONSIDERATION SUBJECT TO CONDITIONS

Mailed Date: August 5, 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. C19-0507, issued June 17, 2019, on the Petition filed by Discount Luxury Limousine LLC (Petitioner). This Decision grants the Petitioner's RRR request.

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 2003 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 RRR of Decision No. C19-0507. 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 2003 Hummer H-2 named in the Petition is considered 16 model years old and not eligible for use as a luxury limousine.

9. In Petitioner's Application for RRR, the Petitioner states that Decision No. C19-0507 will put the Petitioner out of business.

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

[2] Decision No. C19-0507, 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 it appropriate to grant a waiver of Rule 6305(b) for the 2003 Hummer H-2 named in this Petition through December 31, 2019, to be effective from the mailed date of this Decision, subject to the condition that the vehicle passes a required safety inspection. If the vehicle does not pass the required safety inspection, the waiver is not effective and the vehicle may not be operated as a luxury limousine.

12. The Commission recognizes the financial hardship and does not wish to cause the Petitioner to go out of business, however, the Commission must balance the requirements of the age of luxury limousines. As such, this Petition is granted through December 31, 2019 to allow the Petitioner an opportunity to replace this vehicle.

II. ORDER

A. The Commission Orders That:

1. Discount Luxury Limousine LLC's Application for Rehearing, Reargument, or Reconsideration is granted, consistent with the discussion above.

2. The grant of the waiver for the 2003 Hummer H-2 listed in the petition filed on April 15, 2019, is conditioned upon an inspection pursuant to Rule 6117(d) of the Commission's Rules Regulating Transportation by Motor Vehicle. These inspections must meet standards as set by Rules 6103 and 6104.

3. Discount Luxury Limousine LLC shall maintain a copy of the completed inspection form in the 2003 Hummer H-2 listed in the petition.

4. The grant of the waiver of Rule 6305(b) shall be through December 31, 2019, effective from the mailed date of this Decision.

5. 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.

6. 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