

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0320EC

IN THE MATTER OF THE PETITION OF DESERT RAT TOURS, LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6117(C) (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: September 22, 2020
Adopted Date: September 16, 2020

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 Common/Contract Carrier Rules filed on July 28, 2020, by Desert Rat Tours, LLC (Desert Rat Tours).

2. Desert Rat Tours requests a waiver of Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age and Condition of Passenger Carrying Motor Vehicles).

3. The vehicle for which a waiver is requested is a 2001 Dodge Ram 3500 Van¹ with a total of 106,312 miles. The waiver of Rule 6117(c) is requested from July 1, 2020 through December 31, 2021.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 10, 2020, for a period of ten days.

¹ The vehicle identification number of the 2001 Dodge Ram 3500 Van is 2B5WB35Z71K554674.

5. The ten-day notice period expired on August 20, 2020. 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.

6. Pursuant to 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, states that “[w]ith 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. In support of this petition, Daniel Soller, manager of Desert Rat Tours, states:

We are a small mountain bike guide and shuttle company based in Grand Junction, CO. We serve the western part of the state and into Moab. We are a pretty small operation. We grossed around \$5,500 in 2019. We do not have the funds to buy a new van yet. Hopefully soon. We primarily drive highway or open paved roads, some dirt but no hard core 4 wheeling or treacherous mountains. The van is only 2wd so we keep it on easy terrain.

9. The 2001 Dodge Ram 3500 Van named in this petition is 19 model years old from January 1, 2020 through December 31, 2020. Thus, unless Desert Rat Tours² is granted a waiver of Rule 6117(c) for the 2001 Dodge Ram 3500 Van, it may not provide any common carrier, contract carrier, or limited regulation service with this vehicle.

² Desert Rat Tours does not have an active common carrier certificate or contract carrier permit as issued by the Commission to operate as a Fully Regulated Intrastate Carrier as defined in Rule 6001(gg) or an active permit to operate as a Limited Regulation Carrier as defined in Rule 6001(qq).

10. Rule 6117(g)(IV) requires that the company filing a petition for waiver shall include the documents in the Vehicle Maintenance File required by Rule 6112 for the past two years. The petition filed by Desert Rat Tours did not include any documents from the 2001 Dodge Ram 3500 Van maintenance file.

11. In consideration of the limited information submitted with this petition to support the request for a waiver of the age rule, the Commission finds that Desert Rat Tours has not shown good cause to grant a waiver of Rule 6117(c) for the 2001 Dodge Ram 3500 Van.

II. ORDER

A. The Commission Orders That:

1. The petition of Desert Rat Tours, LLC for a waiver of Rule 6117(c) for the 2001 Dodge Ram 3500 Van, VIN No. 2B5WB35Z71K554674, is denied.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 16, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners