

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0025EC

IN THE MATTER OF THE PETITION OF COLORADO CAB COMPANY LLC DOING BUSINESS AS DENVER YELLOW CAB FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

**COMMISSION DECISION
DENYING WAIVER**

Mailed Date: February 1, 2021
Adopted Date: January 27, 2021

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 filed on January 6, 2021 by Colorado Cab Company LLC, doing business as Denver Yellow Cab (Petitioner).

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

3. The vehicle for which a waiver is requested is a 2007 Subaru Legacy, VIN No. 4S3BL616476200201. The waiver is requested from January 1, 2021 through December 31, 2022.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 11, 2021.

5. 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. 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 rendering a 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.

7. Rule 6117(c), 4 CCR 723-6, states that “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. Petitioner currently holds a permit from the Commission to operate as a large market taxi, Permit No. LMT-00010.

9. In support of the waiver, when identifying the reason for the petition, the Petitioner states: “Rideshare transportation such as Uber and Lyft have created an unequal dynamic to the regulated taxi cab industry. Resulting in a financial loss to taxi drivers compounded by our current Covid pandemic financial strains. This taxi cab has been, currently is, and will continue to be maintained in excellent condition as evidenced by the included periodic inspections and vehicle maintenance file and photos of the vehicle. Retail value of the vehicle using Kelly Blue Book Price Guide is approximately \$3,000. Safety equipment on the vehicle include[s] five lap and shoulder seat belts, two front air bags, an antilock braking system, four wheel drive, and six week old Firestone Winterforce studded snow tires. Included as well is proof of ownership for the past three years from the Colorado Department of Revenue. Other

information the petitioner deems relevant include that the engine has only 181,084 miles; condition of the interior is excellent; and the body is free of damage with an only one year old paint job. Revenue generated (by the Petitioner) in the previous twelve months has been approximately \$25,000. There is no amount of loan on the vehicle. The vehicle serves taxicab service for the Denver metro area market. The reason why the Motor Carrier cannot replace the vehicle is because of diminished revenue. However, the vehicle has and will be maintained impeccably.”

10. Petitioner submitted six photographs of the vehicle’s interior and exterior, the past three years of Annual Vehicle Inspection Forms, previous work orders, a valuation statement, safety features of the vehicle, proof of ownership, a revenue report, and a loan status statement.

11. Petitioner submitted four previous waiver requests for the vehicle listed in this Decision. In Decision No. C17-0598, adopted July 20, 2017 and Decision No. C18-0615, adopted July 25, 2018 the waiver requests were denied by the Commission.

12. The information submitted by the Petitioner does not support the granting of this waiver for a vehicle that is currently 14 model years old. Therefore, the Commission finds that good cause has not been shown by the Petitioner to waive the safety requirements of 4 CCR 723-6.

II. ORDER

A. The Commission Orders That:

1. The petition of Colorado Cab Company LLC, doing business as Denver Yellow Cab for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, 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
January 27, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners