

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0070EC

IN THE MATTER OF THE PETITION OF BISER LLC DOING BUSINESS AS DAVE'S MOUNTAIN TOURS FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

COMMISSION DECISION GRANTING WAIVER

Mailed Date: March 15, 2021
Adopted Date: March 10, 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 February 9, 2021 by Biser LLC doing business as Dave's Mountain Tours (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 1981 Steyr-Daimler Pinzgauer, VIN No. 4753574. The waiver is requested from May 1, 2021 through April 30, 2022.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on February 16, 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 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 “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. In support of the petition for waiver and in identifying the reason for the petition, the Petitioner states, “The Pinzgauer is one of the most capable all-terrain vehicles ever made. It is the perfect machine for driving the mountain passes during off-road tours in the San Juan Mountains.”

9. 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.

10. The Commission finds that good cause has been shown to grant a waiver from Rule 6117(c) for the 1981 Styer-Daimler Pinzgauer named in this petition and grants this petition from May 1, 2021 through April 30, 2022.

II. ORDER

A. The Commission Orders That:

1. The petition of Biser LLC doing business as Dave’s Mountain Tours for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is granted from May 1, 2021 through April 30, 2022.

2. Biser LLC doing business as Dave's Mountain Tours shall keep a copy of this Decision in the 1981 Steyr-Daimler Pinzgauer. Biser LLC doing business as Dave's Mountain Tours shall provide this Decision immediately on request by any Commission enforcement official.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 10, 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 C. GAVAN

MEGAN M. GILMAN

Commissioners