

Decision No. C21-0175

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 21V-0084CP

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IN THE MATTER OF THE PETITION OF MARKETING SERVICES, INC., OF PUEBLO DOING BUSINESS AS ADVENTURES OUT WEST, INC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

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**COMMISSION DECISION GRANTING WAIVER IN PART**

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Mailed Date: March 19, 2021  
Adopted Date: March 17, 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 24, 2021 by Marketing Services, Inc., of Pueblo dba Adventures Out West, Inc (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 2004 Jeep Unlimited, VIN No. 1J4FA49S14P765163. The waiver is requested from April 1, 2021 through January 1, 2024.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 1, 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 waiver, when identifying the reason for the petition, the Petitioner states: “This vehicle is indispensable for our business. The vehicle is a unique style that is part of the adventure we sell. This vehicle is well maintained and in excellent mechanical condition. Total miles driven per tour are 5-25 and total miles last year were 3,440.”

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 2004 Jeep Unlimited named in this petition; however a period of over one year is considered too long, and the Commission therefore grants, in part, this petition from April 1, 2021 through March 31, 2022.

**II. ORDER**

**A. The Commission Orders That:**

1. The petition of Marketing Services, Inc., of Pueblo dba Adventures Out West, Inc for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is granted, in part, from April 1, 2021 through March 31, 2022.

2. Marketing Services, Inc., of Pueblo dba Adventures Out West, Inc shall keep a copy of this Decision in the 2004 Jeep Unlimited. Marketing Services, Inc., of Pueblo dba Adventures Out West, Inc 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 17, 2021.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners