

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0136EC

IN THE MATTER OF THE PETITION OF ALPHA ADONAI LLC 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: April 29, 2021

Adopted Date: April 21, 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 March 25, 2021 by Alpha Adonai LLC (Petitioner).

2. Petitioner requests a waiver from Rule 6305 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 Nissan Armada, VIN No. 5N1AA08B74N724392. The waiver is requested from April 1, 2021 through April 1, 2022.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 29, 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. In support of the waiver, when identifying the reason for the petition, the Petitioner states:

[W]e are requesting [a] waiver because we didn’t know the vehicle needed to be under 15 years old[.] We have had this vehicle since 2015 and have kept it very well. We do not have the funds to purchase another vehicle any time soon and that is why we are asking for this waiver and once we work hard, we will definitely change the vehicle to a much younger vehicle. We are just wanting to start this transportation business and make a living from it. It will mean [a lot] if you could grant us this waiver. This vehicle is already paid off and all the seat belts are intact. We have the commercial insurance already paid with National Continental Insurance [Co.]

9. Petitioner submitted 13 photographs of the vehicle’s interior and exterior, a valuation statement, safety features of the vehicle, proof of ownership, a revenue report, and a loan status statement.

10. The information submitted by the Petitioner does not support the granting of this waiver. 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 Alpha Adonai LLC for a waiver from Rule 6117 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
April 21, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
DirectorTHE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADOERIC BLANK
_____JOHN GAVAN
_____MEGAN M. GILMAN

Commissioners