

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21V-0152EC

IN THE MATTER OF THE PETITION OF CHAUFFEUR DEVILLE, LLC FOR
AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DISMISSING WAIVER

Mailed Date: May 17, 2021
Adopted Date: May 5, 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 April 9, 2021 by Chauffeur Deville, LLC (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 2005 Optima Opus (bus) with an unknown Vehicle Identification Number. The waiver is requested from March 1, 2021 through March 1, 2023.

4. The Commission was unable to notice this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., due to a lack of proper information provided by Petitioner.

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. Petitioner failed to submit documentation required by Rule 6117(g), specifically: periodic inspections for the past two years; a copy of the vehicle maintenance file; valuation of the vehicle documentation; a list of safety equipment in the vehicle; proof of ownership of the vehicle; revenue the vehicle generated in the previous 12 months; VIN verification of the vehicle; and the Petitioner failed to sign the waiver request.

9. Due to deficiencies noted in the waiver request, the Commission is unable to 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 Chauffeur Deville, LLC for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is dismissed.

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
May 5, 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