

Decision No. C22-0539

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22M-0355TR

IN THE MATTER OF THE PETITION OF UNION TAXI COOPERATIVE DOING
BUSINESS AS UNION TAXI FOR EMERGENCY RULEMAKING TO ELIMINATE RULE 4
CCR 723-6-6255.

**COMMISSION DECISION DENYING PETITION AND
ORDERING COMMISSION STAFF TO DEVELOP A
NOTICE OF PROPOSED RULEMAKING**

Mailed Date: September 13, 2022

Adopted Date: September 7, 2022

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission denies the Petition for Emergency Rulemaking (Petition) filed by Union Taxi Cooperative (Union Taxi or Petitioner). It also directs Staff of the Public Utilities (Commission Staff) to develop proposed rule changes to address the issues raised by Union Taxi and to present those proposals to the Commissioners at a future weekly meeting so that the Commission may consider undertaking a permanent rulemaking to address these issues.

B. Background

2. On August 10, 2022, Union Taxi Cooperative filed this Petition for Emergency Rulemaking. Attached to the Petition was a letter signed by Union Taxi and eleven other taxi companies. Both the Petition and the letter ask this Commission to remove the flat rate zone system that has for many years governed the price of taxi service between Denver's airport and parts of the front range.

3. In support of the request, the Petition argues that Rule 6255, which sets flat rates between Denver International Airport and various front-range zones, is outdated, and creates problems for drivers and passengers. The Petitioner explains that the rates set forth in that Rule have not been updated since 2009, and that sharply delineated geographical zones can create confusion for passengers as to whether they should be charged a metered rate or a flat rate.

4. Finally, the Petitioner argues that we should strike Rule 6255 on an emergency basis due to recent inflationary pressures on both drivers and companies.

C. Findings and Conclusions

5. Union Taxi's Petition and the attached letter has persuaded us that it is time to reexamine the flat rate zone system or at the very least consider how to provide rate relief to these drivers and businesses. However, for a few reasons, we are not convinced that striking Rule 6255, which would be a significant change in the long-standing fare structure, should be undertaken on an emergency basis. First, while we recognize that fuel prices increased in the early summer, they have recently returned to a level closer to historical prices. Second, striking the rule on an expedited basis could very well cause confusion for travelers who have for many years understood that there is a flat fare between DIA and their destination. Finally, a regulatory change of this magnitude should be considered alongside a record to which interested stakeholders had ample opportunity to submit comments and data. There may be differing views on whether moving away from flat rate zones is the best way to address the issues raised by the Petitioner, and a permanent rulemaking will allow us to develop a full record on the issues.

6. It may be that the Petitioner's solution of doing away with the flat rate zone system will ultimately be the best option. Another commonsense option that we perceive could be raising the maximum rate the companies can charge between DIA and these zones.

7. In either case, we think this issue is more efficiently addressed in a permanent rulemaking and therefore we exercise our discretion to deny the Petitioner's request for an emergency rulemaking to strike Rule 6255.

8. We hereby direct Staff to prepare a proposed Notice of Proposed Rulemaking and redline of proposed rule changes for our consideration at a future Commissioners' Weekly Meeting.

II. ORDER

A. It Is Ordered That:

1. The Petition for Emergency Rulemaking, filed by Union Taxi Cooperative on August 10, 2022, is denied.

2. Staff of the Public Utilities Commission is ordered to prepare a Notice of Proposed Rulemaking, consistent with this Decision, for the Commission's consideration at a future Commissioners' Weekly Meeting.

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 7, 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