

Decision No. C22-0669

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22V-0411EC

IN THE MATTER OF THE PETITION OF LEGEND INNOVATION LAB & DESIGN STUDIO 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
PETITION FOR RULE WAIVER**

Mailed Date: October 28, 2022

Adopted Date: October 19, 2022

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 September 26, 2022 by Legend Innovation Lab & Design Studio LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. This rule provides, in relevant part, the criteria for luxury limousine vehicles, including categories of vehicles that can be classified as a luxury limousine. Rule 6305(b), 4 CCR 723-6, provides, "A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation

experience in the relevant market to be served.” This rule allows for the Commission to exercise discretion regarding a particular vehicle’s fitness to be operated as a luxury limousine.

3. Petitioner requests a waiver for a 2018 Kia Stinger, VIN No. KNAE35LC8J6035249. Petitioner requests a waiver for the period of September 26, 2022 through October 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 October 4, 2022. 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.

5. In accordance with Rule 1003 of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant a request to waive Commission rules for good cause shown. In rendering its 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.

6. In support of its request for rule waiver, Petitioner states:

Please add Kia Stinger to the list of luxury vehicles allowed. Otherwise, I cannot start my business. This is a petition to waive Rule 6305(a) and/or to add "Kia Stinger" to the definition of a "luxury limousine," a vehicle that is just as luxurious as the Chrysler 300 or Toyota Avalon. Competitor vehicles include Audi, BMW, and Mercedes Benz models. (See https://www.thecarconnection.com/compare/kia_stinger_2022_choices; <https://www.thecarconnection.com/rankings/luxury-large-cars>). See also attached photo.

7. For the underlying vehicle, Petitioner did not submit any other information or documentation into the record, except for multiple photos of the exterior and partial interior of

the vehicle. Petitioner did not elect to provide a periodic inspection or other maintenance-related information to verify the vehicle is safe to operate in a for-hire capacity.

8. In addition, while the websites proffered by Petitioner do appear to show the underlying vehicle in a positive light, comparative to other luxury makes, this information is based on 2022 models, as opposed to the 2018 model requested by Petitioner. Petitioner has provided no further explanation as to why the underlying vehicle provides a luxurious and specialized transportation service, consistent with the Commission's policies of a luxury transportation experience and befitting of the relevant market to be served, as specified in Rule 6305(b), 4 CCR 723-6. Petitioner has also declined to elaborate or explain the alleged hardship, as it pertains to the use of the underlying vehicle.

9. Given all available information, there is insufficient support to grant a waiver for this type of vehicle. Therefore, the Commission finds that good cause has not been shown by Petitioner and the request for a waiver of Rule 6305, 4 CCR 723-6, is denied.

II. ORDER

A. The Commission Orders That:

1. The petition of Legend Innovation Lab & Design Studio LLC for a waiver of Rule 6305 of the Commission's Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, filed on September 26, 2022, 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
October 19, 2022.**

(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

MEGAN M. GILMAN

Commissioners