

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13V-1195CP

IN THE MATTER OF THE PETITION OF MOUNTAINSIDE CONCIERGE, LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6213(A) (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: January 6, 2014

Adopted Date: January 2, 2014

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 Common/Contract Carrier Rules filed on November 4, 2013 by Mountainside Concierge LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6213(a) 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 2001 Chevrolet Suburban, VIN No. 3GNFK16T31G211936. The waiver is requested from January 1, 2014 through December 31, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 18, 2013.

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 or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders 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 6213(a), 4 CCR 723-6, states that “[i]ntrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.” Pursuant to § 40-10.1-106(1), C.R.S., the Commission enacted this rule to ensure public safety, consumer protection, and service quality.

8. The 2001 Chevrolet Suburban named in this petition is older than the 12 model years allowed by Rule 6213(a). Thus, unless Petitioner is granted a waiver of Rule 6213(a) for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

9. Petitioner operates as a common carrier pursuant to Certificate of Public Convenience and Necessity PUC No. 55803. Petitioner states, in relevant part, the following as the reason for the waiver: “[m]y transportation company is a single vehicle, low volume business in a remote small town. The business is in the black every year, however, we are not making the profits necessary to invest in a newer vehicle at this time.” The petition states that the total mileage on the vehicle is 173,979 miles.

10. Since it is in the public interest to ensure that common carriers utilize newer, safer, and more reliable vehicles, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6213(a) for the 2001 Chevrolet Suburban named in this petition.

II. ORDER**A. The Commission Orders That:**

1. The petition of Mountainside Concierge LLC for a waiver of Rule 6213(a) 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
January 2, 2014.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADOJOSHUA B. EPEL
_____JAMES K. TARPEY

Commissioners

Doug Dean,
Director

COMMISSIONER PAMELA J. PATTON ABSENT.