

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13V-1213EC

IN THE MATTER OF THE PETITION OF EMERALD LIMOUSINE LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

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 Limited Regulation Carrier Rules filed on November 12, 2013, by Emerald Limousine LLC (Petitioner). An amendment to the petition was filed on November 14, 2013.

2. Petitioner requests a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested involves a 2003 Lincoln Town Car Executive, VIN No. 1L1FM81W33Y674114. The waiver is requested from November 12, 2013 through November 12, 2017.

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. Pursuant to 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 6305(b), 4 CCR 723-6, states that “luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year.”

8. Petitioner operates as a limited regulation passenger carrier (luxury limousine) in the Denver metro area pursuant to PUC Permit No. LL-01857. Petitioner states, in relevant part, the following as the reason for the waiver: “[w]e do not have the financial ability to replace this car. The inability to run our limousine or the cost of purchasing a newer one would cause serious financial hardship to our business.”

9. Petitioner submitted pictures of the interior and exterior of the vehicle. It is a large, stretched limousine with an extremely luxurious interior. Petitioner also submitted an annual vehicle inspection report showing that the vehicle passed inspection on July 31, 2013. The petition states that the vehicle has a total mileage of 117,790 miles.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2003 Lincoln Town Car Executive named in this petition.

11. Petitioner is advised that the grant of the waiver of Rule 6305(b) for the vehicle named in this petition does not ensure that this vehicle will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of Emerald Limousine LLC for a waiver of Rule 6305(b) for the 2003 Lincoln Town Car Executive, VIN No. 1L1FM81W33Y674114, is granted, in part, from the mailed date of this Decision through June 30, 2015.

2. Emerald Limousine LLC shall keep a copy of this Decision in the 2003 Lincoln Town Car Executive, VIN No. 1L1FM81W33Y674114, named in this petition. Emerald Limousine LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. Emerald Limousine LLC shall have the 2003 Lincoln Town Car Executive named in this petition inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and, the vehicle shall pass such an inspection. Emerald Limousine LLC shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Emerald Limousine LLC fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6305(b) shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

4. 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.

5. 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 COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

Commissioners

COMMISSIONER PAMELA J. PATTON ABSENT.

Doug Dean,
Director