

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13V-1398CP

PETITION FOR WAIVER/VARIANCE OF COMMON/CONTRACT CARRIER RULES AND
MOTION TO SHORTEN NOTICE PERIOD.

DECISION GRANTING WAIVER IN PART

Mailed Date: February 6, 2014
Adopted Date: January 29, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for a Waiver/Variance from Commission Rule 723-6-6255(a)(III)-(VII) filed on December 30, 2013 by Colorado Cab Company LLC, doing business as Denver Yellow Cab and/or Boulder Yellow Cab (Colorado Cab).

2. Colorado Cab requests a waiver of Rule 6255(a)(III)-(VII) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Communications and Dispatch). The waiver is requested from January 1, 2014 through December 31, 2014.

3. Rule 6255 (a)(III)-(VII) applies to taxi cab companies operating within or between the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, and El Paso, and reads as follows:

- (III) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that tracks and records driver hours or service, and records and reports trip information including origination point and customer wait times.

- (IV) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports driver location and on-duty time. Said system must log a driver on-duty when the driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand.
- (V) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based digital dispatch system that locks out any driver who has exceeded on-duty hours of service maximums.
- (VI) Beginning January 1, 2014, taxicab carriers shall lockout, for a minimum of eight hours, a driver who has exceeded on-duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the [carrier's] dispatch system, credit card processing system, and metering system.
- (VII) Beginning January 1, 2014, taxicab carriers shall log a driver as being on-duty when the vehicle assigned to said driver, enters an area no less [than] two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 13, 2014, for a period of ten days.

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.

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7. In support of its Petition, Colorado Cab states that Colorado Cab has been in a multi-year process of changing its dispatch system from TaxiTrack to Pathfinder, and is currently attempting to upgrade its dispatch system to comply with the new rules. Colorado Cab has issued a purchase order to Digital Dispatch System Inc., for the software development required to meet the new rules. However, the development has not yet been completed, and will require

substantial testing with Colorado Cab's existing hardware to ensure that the hardware and software work together.

8. Rule 1003(a) provides that:

[t]he Commission has promulgated these rules to ensure orderly and fair treatment of all persons. The Commission may, for good cause shown, grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions. In making its 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.

9. We find that good cause exists to grant Colorado Cab's petition for a waiver. However, the Commission finds that the waiver should only be granted in part, from January 1, 2014 through June 30, 2014. Metro Taxi in Proceeding No. 13V-1403CP, requested a waiver of the same rules from January 1, 2014 through March 31, 2014, indicating that the rules can be complied with using existing technology within a shorter timeframe. If Colorado Cab is still having difficulty complying with the rule as of June 30, 2014, Colorado Cab can petition for another waiver and make a filing at that time detailing Colorado Cab's efforts to update its dispatch and communications system to comply with the rule in the interim.

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver/Variance from Commission Rule 723-6-6255(a)(III)-(VII) filed by Colorado Cab Company LLC, doing business as Denver Yellow Cab and/or Boulder Yellow Cab is granted in part, *nunc pro tunc*, from January 1, 2014 through June 30, 2014.

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 upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners