

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0057CP

IN THE MATTER OF THE PETITION OF FREEDOM CABS INC. FOR
WAIVER/VARIANCE OF COMMON/CONTRACT CARRIER RULES AND
MOTION TO SHORTEN NOTICE PERIOD.

DECISION GRANTING WAIVER IN PART

Mailed Date: February 18, 2014

Adopted Date: February 13, 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 January 14, 2014 by Freedom Cabs Inc. (Freedom Cabs).

2. Freedom Cabs 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 27, 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, Freedom Cabs states that it has commissioned a software package designed by iTechnology and as a result has achieved “[a]pproximately 75% of the overall compliance task” with the rules in question, with “25% (including test bed and software integration requirements) left to be completed, followed by a ‘shakedown’ period to address so-called ‘bugs’ and software ‘kinks.’”

8. Rule 1003(a) of the Commission's Rules of Practice and Procedure 4 CCR 723-1, 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 Freedom Cabs'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 Freedom Cabs is still having difficulty complying with the rule as of June 30, 2014, Freedom Cabs can petition for another waiver and make a filing at that time detailing Freedom Cabs'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 Freedom Cabs Inc. 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
February 13, 2014.**

(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

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners