

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0101EC

IN THE MATTER OF THE PETITION OF A LAST MINUTE LIMOUSINE LTD 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: February 27, 2014
Adopted Date: February 26, 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 January 28, 2014, by A Last Minute Limousine Ltd. (Petitioner).

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 Ford Excursion XLT, VIN No. 1FMNU40S93EC31842. The waiver is requested from February 26, 2014 through February 26, 2016.

4. The Commission noticed this petition for a period of ten days to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on February 10, 2014.

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 holds Commission Luxury Limousine Permit No. LL-01174. Petitioner operates in the Longmont area. Petitioner states that it was adversely affected by the flooding in the area in 2013. Petitioner states that the vehicle has 213,000 miles on it. Petitioner submitted pictures of the interior and exterior of the vehicle. It is a large, stretched limousine with a luxurious interior.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2003 Ford Excursion XLT named in this petition. However, because this vehicle has substantially higher mileage than the vehicle in Petitioner’s other Petition, Proceeding No. 14V-0094EC, this waiver will only be granted in part, through February 26, 2015.

10. 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 A Last Minute Limousine Ltd. for a waiver of Rule 6305(b) for the 2003 Ford Excursion XLT, VIN No. 1FMNU40S93EC31842, is granted through February 26, 2015.

2. A Last Minute Limousine shall keep a copy of this Decision in the Ford Excursion XLT, VIN No. 1FMNU40S93EC31842, named in this petition. A Last Minute Limousine Ltd. shall provide this Decision immediately on request by any Commission enforcement official.

3. A Last Minutes Limousine Ltd. shall have the 2002 Ford Excursion XLT 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. A Last Minute Limousine Ltd. shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If A Last Minute Limousine Ltd. 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
February 26, 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

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.