

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0104EC

IN THE MATTER OF THE PETITION OF ELET LIMO, 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: March 24, 2014

Adopted Date: March 19, 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 29, 2014, by Eleet Limo, LLC (Eleet Limo).

2. Eleet Limo 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 is a 2003 Hummer H2, VIN No. 5GRGN23UX3H134898. The waiver is requested from February 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 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.” Eleet Limo may operate as a limited regulation passenger carrier under Luxury Limousine registration No. LL-01887.

8. In support of this Petition, Mr. Sam Othman the owner of Eleet Limo states:

For financial reasons I could not afford to buy a newer model at the present time. But looking forward to update and upgrade my fleet by the end of this year if business picks up or by next year the most.

9. Eleet Limo submitted seven pictures of the interior and exterior of the vehicle. The photographs show the 2003 Hummer H2 is in very good condition and has been modified to be a large, stretched limousine with a remodeled interior.

10. In consideration of the size, condition, and cost to replace a vehicle that has been modified to be a stretch limousine, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2003 Hummer H2 named in this petition.

11. Eleet Limo 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 Eleet Limo, LLC, for a waiver of Rule 6305(b) for the 2003 Hummer H2, VIN No. 5GRGN23UX3H134898, is granted, in part, from the mailed date of this Decision through December 31, 2015.

2. Eleet Limo, LLC shall keep a copy of this Decision in the Hummer 2003 H2 named in this petition. Eleet Limo, LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. Eleet Limo, LLC shall have the 2003 Hummer H2 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. Eleet Limo, LLC shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Eleet Limo, 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
March 19, 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