

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0246CP

IN THE MATTER OF THE PETITION OF MT ACQUISITIONS LLC DOING BUSINESS AS
MOUNTAINS TAXI FOR WAIVER/VARIANCE OF COMMON/CONTRACT CARRIER
RULES AND MOTION TO SHORTEN NOTICE PERIOD.

DECISION GRANTING WAIVER IN PART

Mailed Date: April 28, 2014
Adopted Date: April 23, 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 Common/Contract Carrier Rules filed on March 21, 2014 by M T Acquisitions LLC, doing business as Mountains Taxi (Petitioner).

2. Petitioner requests a waiver of Rules 6255(a)(IV) and (VII) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Communications and Dispatch). The waiver is requested indefinitely from January 1, 2014 onward.

3. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 7, 2014, for a period of ten days.¹

¹ Interim Decision No. C14-0336-I, mailed on March 28, 2014, granted Petitioner's request to shorten the notice and intervention period for the instant petition.

4. 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 hearing.

5. In accordance with 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.

6. Rule 6255, 4 CCR 723-6, applies to taxicab carriers operating within or between the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson. Rule 6255(a)(IV), 4 CCR 723-6, states that “[b]eginning 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.” Rule 6255(a)(VII), 4 CCR 723-6, states that “[b]eginning 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.”

7. Petitioner operates as a taxicab carrier pursuant to Certificate of Public Convenience and Necessity PUC No. 55768. In support of the petition, Petitioner states the following:

The portion of the rule requiring automatic booking in of a driver within 2 miles of DIA should not apply to Petitioner because it appears to be designed for those drivers who are working at the airport, waiting in the holding lot until it is their turn to go down to the terminal and wait for passengers. ... Petitioner's drivers do not go to the airport and sit, they may only go to the airport when assigned a trip either to the airport, or to pick up a prescheduled trip from the airport. In either case, they must be dispatched for the trip via Petitioner's dispatching system. This requires the drivers to already be logged in. Petitioner's PUC authority does not allow it to work the cab stand at the holding lot, or to sit at the airport and solicit business, as it is considered a 'Mountain Carrier' by the airport for purposes of transacting business at the airport. The portion of the rule requiring that drivers be booked in when within 500 feet of a taxi stand should not apply to Petitioner. Petitioner does not have any taxi stands within its service area. ...

8. The Commission finds that good cause has been shown to grant Petitioner a waiver of Rules 6255(a)(IV) and (VII). However, the Commission finds that a waiver for three years, as opposed to the requested permanent waiver, is a reasonable amount of time for a waiver.

II. ORDER

A. The Commission Orders That:

1. The petition of M T Acquisitions LLC, doing business as Mountains Taxi, for a waiver of Commission Rules 6255(a)(IV) and (VII), is granted in part, *nunc pro tunc*, from January 1, 2014 through January 1, 2017.

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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 23, 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