

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0242EC

IN THE MATTER OF THE PETITION OF RUSS 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 DENYING WAIVER

Mailed Date: May 6, 2014
Adopted Date: April 30, 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 March 19, 2014 by Russ LLC (Petitioner). An amendment to the petition was filed on March 21, 2014.

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.

3. The vehicle for which a waiver is requested is a 1999 BMW 540I, VIN No. WBADN6340XGM64134. The waiver is requested indefinitely from March 1, 2014 onward.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 24, 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. 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.

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. The 1999 BMW 540I named in this petition is older than the ten model years allowed by Rule 6305(b). Thus, unless Petitioner is granted a waiver of Rule 6305(b) for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

9. Petitioner does not hold authority from the Commission to operate as a limited regulation passenger carrier (luxury limousine).¹ In the petition, Mr. Russell Braun, the owner of Petitioner, states that he currently works for Yellow Cab. He further states that he did not verify Commission rules before he purchased the 1999 BMW 540I and that he invested his savings in the vehicle and business. Petitioner submitted pictures of the vehicle. The petition states that the total mileage on the vehicle is 111,480 miles.

10. We find that the 1999 BMW 540I named in this petition is not luxurious enough to justify a waiver of Rule 6305(b), which was enacted to ensure public safety, consumer protection, and service quality pursuant to § 40-10.1-106(1), C.R.S. It is in the public interest to ensure that luxury limousine carriers utilize newer, safer, and more luxurious vehicles.

¹ Pursuant to Rule 6003, 4 CCR 723-6, any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in Rule 1003, 4 CCR 723-1.

Therefore, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) for the 1999 BMW 540I named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Russ LLC for a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is denied.

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 30, 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