

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0270EC

IN THE MATTER OF THE PETITION OF DWS TRANSPORTATION LLC DOING BUSINESS AS DWS COACH, 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 *NUNC PRO TUNC*

Mailed Date: May 19, 2014

Adopted Date: May 14, 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 27, 2014, by DWS Transportation, LLC, doing business as DWS Coach (Petitioner). A supplement to the petition was filed on April 4, 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 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested involves a 1998 Ford 350, VIN No. 1FDJE30S8VHB90790. The waiver is requested from May 1, 2014 through May 1, 2016.

4. 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.

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 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. In support of the petition, Petitioner notes that it operates as a limited regulation passenger carrier pursuant to PUC Permit No. LL-02084 “[w]ithin a 150 mile radius of Denver, CO for private charters and tours scheduled in advance, especially for those with special mobility needs.” Petitioner states the following as the reason for the waiver: “[h]ardship—this is a custom limousine bus with wheelchair access and securement. I am unable to purchase a newer model vehicle at this time.”

9. Petitioner submitted pictures of the interior and exterior of the vehicle named in the petition. It is an executive van with a luxurious interior and wheelchair access. The petition states that the total mileage on the vehicle is 69,870 miles.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 1998 Ford 350 named in this petition.

11. 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 DWS Transportation, LLC, doing business as DWS Coach, for a waiver of Rule 6305(b) for the 1998 Ford 350 (VIN No. 1FDJE30S8VHB90790) is granted, *nunc pro tunc*, from May 1, 2014 through May 1, 2016.

2. DWS Transportation, LLC, doing business as DWS Coach, shall keep a copy of this Decision in the 1998 Ford 350 (VIN No. 1FDJE30S8VHB90790) named in this petition. DWS Transportation, LLC, doing business as DWS Coach, shall provide this Decision immediately on request by any Commission enforcement official.

3. DWS Transportation, LLC, doing business as DWS Coach, shall have the 1998 Ford 350 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. DWS Transportation, LLC, doing business as DWS Coach, shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If DWS Transportation, LLC, doing business as DWS Coach, 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
May 14, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.