

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0352EC

IN THE MATTER OF THE PETITION OF SUMMIT LIMOUSINE INC., FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6308 (LUXURY LIMOUSINE CATEGORIES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: June 6, 2014
Adopted Date: May 28, 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 April 17, 2014 by Summit Limousine Inc. (Petitioner).

2. Petitioner requests a waiver of Rule 6308 (Luxury Limousine Categories) 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 2013 Toyota Avalon Hybrid Limited, VIN No. 4T1BK1EB2DU061153. This waiver is requested from April 17, 2014 through April 17, 2020.

4. The Commission noticed this petition for a period of 30 days to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 21, 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. A luxury limousine is defined in § 40-10.1-301(7), C.R.S., as “a chauffeur-driven, luxury motor vehicle as defined by the commission by rule.”

8. Rule 6308, 4 CCR 723-6, identifies four categories of luxury limousines. Rule 6308(a)(II) lists the following executive cars that qualify as luxury limousines:

- (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, or Rolls Royce; or
- (B) one of the following: Chrysler 300, Hyundai Equus, Saab 9-5, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion, Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version).

9. The 2013 Toyota Avalon Hybrid Limited named in this petition is not identified as an executive car in Rule 6308. Thus, unless Petitioner is granted a waiver of Rule 6308 for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

10. Petitioner operates as a limited regulation passenger carrier (luxury limousine) pursuant to PUC Permit No. LL-378. Petitioner states that the vehicle will be used to transport

clients between Denver International Airport and northern Colorado. In support of the petition, Petitioner states the following:

Due to the flooding in September, our business lost seven cars in the matter of an hour...The Toyota Avalon Livery Edition is a vehicle that has proven it's self for safety and reliability...The car that we were granted permission to use by the PUC was lost in the flood [Petitioner was granted a waiver for a similar vehicle in Proceeding No. 13V-1079EC]

11. The Commission finds that good cause has been shown to grant a waiver of Rule 6308 for the 2013 Toyota Avalon Hybrid Limited named in this petition. However, the Commission finds that it would not be prudent to grant a waiver *nunc pro tunc* as this would encourage the use of vehicles with pending waiver requests when that waiver request may well be denied, nor would it be prudent to grant waivers for an extended period of time. Therefore this waiver will only be granted in part, from the mailing date of this Decision through May 27, 2016.

12. Petitioner is advised that the grant of the waiver of Rule 6308 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 Summit Limousine Inc. for a waiver of Rule 6308 for the 2013 Toyota Avalon Hybrid Limited, VIN No. 4T1BK1EB2DU061153, is granted from the mailing date of this Decision through May 27, 2016.

2. Summit Limousine Inc. shall keep a copy of this Decision in the 2013 Toyota Avalon Hybrid Limited, VIN No. 4T1BK1EB2DU061153 named in this petition. Summit Limousine Inc. shall provide this Decision immediately on request by any Commission enforcement official.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 28, 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