

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14R-0641TR

IN THE MATTER OF THE PROPOSED RULES REGULATING TRANSPORTATION BY
MOTOR VEHICLE, 4 CODE OF COLORADO REGULATIONS 723-6.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: June 13, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) regarding proposed Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. The transportation rules generally describe the manner of regulation over persons providing services by motor vehicle in the State of Colorado. More specifically, the purpose of Rule 6007(a)(I) is to prescribe the necessary amounts of financial responsibility for regulated motor carriers.

2. The statutory authority for the proposed rules is found in §§ 40-2-108, 40-2-110.5, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1.101 to 507; 42-4-235; 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

3. On May 1, 2014, the Commission adopted the current version of Rule 6007(a)(I) on an emergency basis.¹ The Commission found the prior insurance requirements, which went into effect on February 14, 2014, resulted in a substantial and immediate hardship to regulated motor carriers. In particular, the prior requirements were threatening the sustainability of two of

¹ Decision No. C14-0456, Proceeding No. 14R-0391TR.

the four taxicab carriers then serving the Denver metro area, yet were not necessary to protect the public safety at the time.² The current version of Rule 6007(a)(I) expires on **November 27, 2014**.

4. In this rulemaking, we will determine the minimum financial responsibility levels on a permanent basis. In doing so, we will consider both public safety and the financial impact on regulated carriers, which in turn affect the availability of services to the public. Further, our May 1, 2014, decision adopting temporary levels of financial responsibility does not establish any precedent on what these requirements should be on a permanent basis.

5. The Commission invites interested persons to comment and submit information on the following issues: (1) the minimum levels of financial responsibility for various types of motor carriers; (2) information on the premiums resulting from particular levels of financial responsibility; (3) the relevance, if any, of the federal insurance limits for motor carriers, the Denver International Airport insurance limits for motor carriers, and the Transportation Network Company minimum insurance limits; and (4) information on damage awards of claims against insurance policies of motor carriers over time.

6. We refer this proceeding to an Administrative Law Judge (ALJ). The ALJ shall review the comments addressing the issues mentioned above and issue proposed rules at least five days prior to the public comment hearing.³ The ALJ shall issue a recommended decision to enable the Commission to issue a final decision and adopt new permanent rules on or before **November 27, 2014**.

² *Id.*, ¶ 8.

³ Section 24-4-103(4)(a), C.R.S.

7. Interested parties may file written comments, including data, views, or arguments, and present these orally at hearing unless the ALJ deems oral presentations unnecessary. The Commission prefers and encourages interested persons to submit comments through its Electronic Filing System and do so in this proceeding number (14R-0641TR) no later than **July 11, 2014**. Reply comments should be filed in the same proceeding and through the Electronic Filing System no later than **July 25, 2014**. The Commission will consider all submissions, whether oral or written.

8. We also request commenters to include proposed or alternate rule language, as necessary, with their comments, by the dates and manner specified above.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the June 25, 2014 edition of *The Colorado Register*.

2. A Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge (ALJ) as follows:

DATE: August 11, 2014

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Suite 250
1560 Broadway
Denver, Colorado

3. The ALJ may set additional hearings, if necessary.

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the ALJ deems oral comments unnecessary.

5. Interested persons may file written comments in this matter before hearing. The Commission prefers and encourages interested persons to submit comments through its Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> and do so in this proceeding (14R-0641TR) no later than July 11, 2014.

6. Interested persons may file reply comments in this matter before hearing. The Commission prefers and encourages that interested persons submit comments through the Commission's Electronic Filing System and do so in this proceeding (14R-0641TR) no later than July 25, 2014.

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 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
