

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0622CP

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: July 10, 2014
Adopted Date: July 2, 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 June 5, 2014 by M T Acquisitions LLC, doing business as Mountains Taxi (Petitioner).

2. Petitioner requests a waiver of Rule 6255(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Communications and Dispatch). The waiver is requested from July 1, 2014 through June 30, 2015. The waiver concerns five vehicles: two 2005 Ford Freestar minivans, and three 2006 Ford Freestar minivans.

3. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 16, 2014, for a period of ten days.¹

¹ Interim Decision No. C14-0650-I, mailed on June 13, 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 a 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(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be eight model years.

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 that the 2005 model vehicles are only in part-time service. Petitioner also states that the Ford Freestar van was discontinued by Ford seven years ago, making obtaining newer model vehicles extremely difficult, and that Petitioner has found the Freestar to be uniquely suited among minivans to navigating some of the difficult road conditions that are in Petitioner's service area. Petitioner also notes that Petitioner serves the Counties of Jefferson, Park, Gilpin, and Clear Creek. Of these counties, only Jefferson is subject to the eight model year rule of Rule 6255(b).

8. The Commission finds that good cause has been shown to grant Petitioner a waiver of Rule 6255(b).

II. ORDER

A. The Commission Orders That:

1. The petition of MT Acquisitions LLC, doing business as Mountains Taxi, for a waiver of Commission Rule 6255(b) is granted, *nunc pro tunc*, from July 1, 2014 through June 30, 2015, for the following vehicles: 2005 Ford Freestar, VIN No. 2FMZA522X5BA82403; 2005 Ford Freestar, VIN No. 2FMZA50655BA50772; 2006 Ford Freestar, VIN No. 2FMZA51656BA32076; 2006 Ford Freestar, VIN No. 2FMZA51666BA15335; 2006 Ford Freestar, VIN No. 2FMZA51696BA02126.

2. MT Acquisitions LLC, doing business as Mountains Taxi, shall keep a copy of this Decision in the 2005 Ford Freestar, VIN No. 2FMZA522X5BA82403; 2005 Ford Freestar, VIN No. 2FMZA50655BA50772; 2006 Ford Freestar, VIN No. 2FMZA51656BA32076; 2006 Ford Freestar, VIN No. 2FMZA51666BA15335; and 2006 Ford Freestar, VIN No. 2FMZA51696BA02126, named in this petition. MT Acquisitions LLC, doing business as Mountains Taxi shall provide this Decision immediately on request by any Commission enforcement official.

3. MT Acquisitions LLC, doing business as Mountains Taxi, shall have the vehicles 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 vehicles shall pass such an inspection. MT Acquisitions LLC, doing business as Mountains Taxi shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If MT Acquisitions LLC, doing business as Mountains Taxi 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 6255(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
July 2, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners