

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0671CP

SECOND PETITION FOR WAIVER/VARIANCE OF COMMON/CONTRACT CARRIER
RULES AND MOTION TO SHORTEN NOTICE PERIOD - YELLOW CAB OF NORTHERN
COLORADO &/OR YELLOW CAB NOCO.

DECISION GRANTING WAIVER

Mailed Date: July 25, 2014

Adopted Date: July 17, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for a Waiver/Variance from Commission Rule 723-6-6255(a)(III)-(VII) filed on June 20, 2014 by Shamrock Taxi of Fort Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO (Shamrock).

2. Shamrock requests a waiver of Rules 6255(a)(III)-(VII) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6 (Communications and Dispatch). The waiver is requested from July 1, 2014 through December 31, 2014. A prior petition for waiver of the same rules from January 1, 2014 through June 30, 2014 was granted in Proceeding No. 13V-1399CP.

3. Rules 6255 (a)(III)-(VII) apply to taxi cab companies operating within or between the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and El Paso, and reads as follows:

(III) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that tracks and records driver hours or service, and

records and reports trip information including origination point and customer wait times.

- (IV) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports driver location and on-duty time. Said system must log a driver on-duty when the driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand.
- (V) Beginning January 1, 2014, taxicab carriers shall employ a GPS-based digital dispatch system that locks out any driver who has exceeded on-duty hours of service maximums.
- (VI) Beginning January 1, 2014, taxicab carriers shall lockout, for a minimum of eight hours, a driver who has exceeded on-duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system.
- (VII) Beginning January 1, 2014, taxicab carriers shall log a driver as being on-duty when the vehicle assigned to said driver, enters an area no less two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 30, 2014, for a period of ten days.

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 support of its Petition, Shamrock states that Shamrock shares a dispatch system with affiliate company Colorado Cab Company, LLC. Shamrock anticipates that rollout and implementation of a new system and software module to achieve compliance with Rule 6255(b) will take place, but will take the remainder of 2014 for Shamrock and Colorado Cab Company, LLC.

7. Rule 1003(a) provides that:

[t]he Commission has promulgated these rules to ensure orderly and fair treatment of all persons. The Commission may, for good cause shown, grant waivers or

variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions. In making its 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.

8. We find that good cause exists to grant Shamrock's petition for a waiver.

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver/Variance from Commission Rule 723-6-6255(a)(III)-(VII) filed by Shamrock Taxi of Fort Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO is granted, *nunc pro tunc*, from July 1, 2014 through December 31, 2014.

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 upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 17, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.