

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14V-0662EC

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IN THE MATTER OF THE PETITION OF FOOTHILLS LIMOUSINE, LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305 (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

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**DECISION GRANTING WAIVER IN PART**

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Mailed Date: August 11, 2014  
Adopted Date: August 6, 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 June 18, 2014, by Foothills Limousine, LLC (Foothills Limousine).

2. Foothills Limousine 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). Foothills Limousine, under limited regulation permit No. LL-201,<sup>1</sup> may provide luxury limousine service between all points in Colorado.

3. The vehicle for which a waiver is requested is a 2000 Lincoln Town Car, VIN No. 1L1FM81W8YY883274. The waiver is requested from July 1, 2014, through July 1, 2015.

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<sup>1</sup> Permit No. LL-201 was issued to Foothills Limousine on November 22, 2005.

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.

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. 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.” The 2000 Lincoln Town Car is 15 model years old. Therefore, unless Foothills Limousine is granted a waiver of Rule 6305(b) it will not be able to operate the 2000 Lincoln Town Car as a luxury limousine.

8. In support of this petition Ms. Patricia Day, the owner of Foothills Limousine, states:

Foothills Limousine is working hard to come in compliance. We have replaced [one] limo, but need a little more time replacing the last one. This limo is not a threat to the public safety. It is in excellent condition. We have included receipts from recent work. It would create a substantial and immediate hardship to purchase another limo at this time.

9. Ms. Day submitted six pictures of the interior and exterior of the 2000 Lincoln Town Car. The photographs of the Lincoln Town Car show it is in very good condition and has been modified to be a stretch limousine with a seating capacity of 10 to 12 passengers.

10. In consideration of the support provided by Foothills Limousines for this waiver and the fact that the vehicle has been converted to a stretch limousine, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2000 Lincoln Town Car named in this petition.

11. Foothills Limousine is advised that the grant of the waiver of Rule 6305(b) for the 2000 Lincoln Town Car 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 Foothills Limousine, LLC (Foothills Limousine) for a waiver of Rule 6305(b) for the 2000 Lincoln Town Car, VIN No. 1L1FM81W8YY883274 is granted in part from the mailed date of this Decision through July 1, 2015.

2. Foothills Limousine shall keep a copy of this Decision in the 2000 Lincoln Town Car and shall provide this Decision immediately on request by any Commission enforcement official.

3. Foothills Limousine shall have the 2000 Lincoln Town Car 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. Foothills Limousine shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Foothills Limousine 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  
August 6, 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

Commissioners

COMMISSIONER GLENN A. VAAD  
ABSENT.