

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0661EC

IN THE MATTER OF THE PETITION OF LONGEST LIMOS, 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.

DECISION GRANTING WAIVER IN PART

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 17, 2014, by Longest Limos, LLC (Longest Limos).

2. Longest Limos 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). Longest Limos, under limited regulation permit No. LL-01515,¹ may provide luxury limousine service between all points in Colorado.

3. The vehicle for which a waiver is requested is a 2003 International 3200 Limo Bus, VIN No. 1HVBTA FMX3H574217. The waiver is requested from July 15, 2014, through July 14, 2016.

¹ Permit No. LL-01515 was issued to Longest Limos on November 30, 2006.

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 2003 International 3200 Limo Bus van is 12 model years old. Therefore, unless Longest Limos is granted a waiver of Rule 6305(b) it will not be able to operate the 2003 International 3200 Limo as a luxury limousine.

8. In support of this petition Mr. Tad Buonamici, the owner of Longest Limos, states:

Unfortunately, we are in a lower income area in northern Colorado and market conditions preclude us from owning a later model vehicle with a higher monthly payment and insurance cost. There are no PUC registered party buses in the city of Ft. Collins, Loveland[,] or Greeley as far as we are aware because of this reason. We are told that there must be a good reason to grant such a waiver request regarding vehicle age, and our response to that is that the people of this region of Colorado are being left with no choice but to pay way more for limo bus service from Denver because of the commute time charges. If there was a lower cost alternative available to them, we believe it would improve their quality of life and might even boost the northern Colorado economy as well.

9. Mr. Buonamica submitted five pictures of the interior and exterior of the 2003 International 3200 Limo Bus. The photographs of the International Limo Bus show it is in very good condition. The seating in the limo bus has been modified such that individual seats have been replaced with couches on each side of the interior of the bus. A flat screen television and beverage service have also been installed in the Limo Bus. The total mileage on the vehicle is 143,303.

10. In consideration of the support provided by Longest Limos for this waiver, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2003 International 3200 Limo Bus named in this petition. However, we find that a waiver period of two years may be excessive and will grant a waiver for a period of time from the mailed date of this Decision through July 31, 2015.

11. Longest Limos is advised that the grant of the waiver of Rule 6305(b) for the 2003 International 3200 Limo Bus 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 Longest Limos, LLC (Longest Limos) for a waiver of Rule 6305(b) for the 2003 International 3200 Limo Bus, VIN No. 1HVBTA FMX3H574217 is granted in part from the mailed date of this Decision through July 31, 2015.

2. Longest Limos shall keep a copy of this Decision in the 2003 International 3200 Limo Bus and shall provide this Decision immediately on request by any Commission enforcement official.

3. Longest Limos shall have the 2003 International 3200 Limo Bus 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. Longest Limos shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Longest Limos 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

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.