

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0568EC

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

**DECISION DENYING APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION**

Mailed Date: August 15, 2014

Adopted Date: August 13, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of an application for Rehearing, Reargument, or Reconsideration (RRR) of Decision No. C14-0799 filed on July 24, 2014, by Millennium Limousine, LLC (Millennium Limousine).

2. Millennium Limousine filed a Petition for Waiver/Variance of Limited Regulation Carrier Rules (Petition) on May 27, 2014. In this Petition, Millennium Limousine requested 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). The waiver was requested for a 2004 Lincoln Town Car, VIN No. 1LNHM81WX4Y678461. The waiver was requested from May 15, 2014, through May 15, 2017.

3. 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.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 2, 2014. No petition to intervene or otherwise participate in this proceeding was filed. This proceeding was therefore uncontested.

5. 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.” Millennium Limousine, under limited regulation Permit No. LL-02120,¹ may provide luxury limousine service between all points in Colorado.

6. In support of the Petition, Mr. Mohamed Qadi El Idrissi, the owner of Millennium Limousine, stated:

I’m petitioning for a waiver to rule 6305(b) Age of Motor Vehicle, related to the automobile[’s] pristine appearance[,] low mileage, and overall excellent condition. Our company is a small family owned business. The vehicle we are requesting the petition for is the primary car used for our business. We request the waiver to give us time to get established and be able to upgrade.

7. After a review of the support filed by Millennium Limousine, the Commission found, at its Weekly Meeting of July 9, 2014, that Millennium Limousine had not shown good cause to grant a waiver of Rule 6305(b) for the 2004 Lincoln Town Car named in this Petition. Decision No. C14-0799 issued July 15, 2014.

¹ Permit No. LL-02120 was issued to Millennium Limousine on August 29, 2012.

8. In support of the application for RRR filed July 24, 2014, Mr. Qadi El Idrissi states:

We are writing this letter to explain the extreme financial hardship our family will suffer if the waiver is not granted. Millennium Limousine is a family business that is less than two years old. Due to the business' newly established status, combined with a highly competitive market, our bookings are down substantially. The introduction of transportation network companies has also contributed to the decline in our bookings. Therefore, the company has not generated profit. A loss of the vehicle used to run the business would be a hardship the business would not survive. Retention of the current vehicle is necessary for Millennium Limousine to remain in business. The exemplary condition of the car, and low mileage make the vehicle suitable for continued use. Please take the time to review the information we submitted and consider our request. It is very important to us that we keep our business in good standing.

9. In the RRR, Mr. Qadi El Idrissi did provide additional information to support the request for the waiver of the age rule. However, even in consideration of the additional support, the Commission finds that sufficient good cause has not been shown to grant the waiver of the age rule.

II. ORDER

A. The Commission Orders That:

1. The application for Rehearing, Reargument, or Reconsideration of Decision No. C14-0799 filed on July 24, 2014, by Millennium Limousine, LLC, is denied.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 13, 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

GLENN A. VAAD

Commissioners