

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0466EC

IN THE MATTER OF THE PETITION OF COLORADO LIMOUSINE SERVICE, LTD. LLC
FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE.

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

Mailed Date: August 18, 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. C14-0751 filed on July 21, 2014, by Colorado Limousine Service, Ltd. LLC (Petitioner).

2. Petitioner filed a Petition for Waiver/Variance 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 2003 Cadillac Deville DHS, VIN No. 1G6KE57Y43U271775. This waiver was requested from May 12, 2014, through December 31, 2015.

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. 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.”

5. In support of the Petition, Douglas Pooley, owner of Petitioner stated that Transportation Networking Companies (TNCs) such as UberX and Lyft are permitted to operate with vehicles older than this vehicle, and therefore failure to allow a waiver on this vehicle would operate as hardship and competitive disadvantage.

6. After a review of the support filed by Petitioner, the Commission found, at its weekly meeting of June 25, 2014, that Petitioner had not shown good cause to grant a waiver of Rule 6305(b) for the 2003 Cadillac Deville named in the Petition. Decision No. C14-0751 was mailed on July 2, 2014.

7. In support of the application for RRR filed July 21, 2014, Mr. Douglas Pooley states:

Upon information and belief, other Luxury Limousine services, have applied for and received waivers for vehicles older and not in as good shape as this vehicle....

Failure of the commission to reconsider and grant a waiver would require Petitioner to choose from one of the following undesirable alternatives: 1) continue to utilize the vehicle without a waiver, or 2) put a pink mustache on the vehicle and continue to do the same activity as Petitioner was doing as a Lyft vehicle.

8. Petitioner does not provide any specifics of other luxury limousine services which have applied for and received waivers for vehicles older than the vehicle in question.

9. TNCs are a separate statutory category from Luxury Limousines. Petitioner has chosen to operate as a Luxury Limousine service, and is therefore subject to the standards

required for this service. The existing vehicle age rule in the Luxury Limousine category serves to protect consumer expectations of a certain standard of luxury when using a Luxury Limousine service. We find that, while the vehicle may be suitable for TNC or other service, this particular vehicle does not meet the standards required for classification as a Luxury Limousine under Commission rules and we deny the petition for RRR.

II. ORDER

A. The Commission Orders That:

1. The application for Rehearing, Reargument, or Reconsideration of Decision No. C14-0751 filed on July 21, 2014, by Colorado Limousine Service, Ltd. 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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners