

Decision No. C14-1029

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0757EC

IN THE MATTER OF THE PETITION OF BLUEBIRD COMMUNITY LIMO LLC FOR AN
ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING
TRANSPORTATION BY MOTOR VEHICLE.

DECISION DENYING WAIVER

Mailed Date: August 26, 2014
Adopted Date: August 20, 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 July 11, 2014 by Bluebird Community Limo LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. The vehicle for which a waiver is requested is a 2002 Cadillac Escalade Luxury, VIN No. 1GYEC63T12R107122. The waiver is requested from July 21, 2014 through July 21, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 14, 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. In accordance with 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.”

8. The 2002 Cadillac Escalade Luxury named in this petition is older than the ten model years allowed by Rule 6305(b). Thus, unless Petitioner is granted a waiver of Rule 6305(b) for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

9. Petitioner does not currently hold authority from the Commission to operate as a limited regulation passenger carrier (luxury limousine).¹ In support of the waiver, Petitioner states, in part: “Bluebird Community Limo, LLC came across a beautiful limo that is reliable and affordable from a company that is going out of business. The limo is in great condition and its services are much needed in Summit County, because there are no limos up here of this size and quality.” Petitioner submitted pictures of the vehicle. The petition states that the total mileage on the vehicle is 170,000 miles.

10. We find that Petitioner has not satisfied the requirements of Rule 1003, 4 CCR 723-1. Specifically, Petitioner has not demonstrated how granting this waiver would remedy a

¹ Per Rule 6003, 4 CCR 723-6, any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in Rule 1003, 4 CCR 723-1.

hardship or justify a waiver of Rule 6305(b), 4 CCR 723-6, which was enacted to ensure public safety, consumer protection, and service quality pursuant to § 40-10.1-106(1), C.R.S. It is in the public interest to ensure that luxury limousine carriers utilize newer, safer, and more luxurious vehicles. Therefore, we conclude that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) for the 2002 Cadillac Escalade Luxury named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Bluebird Community Limo LLC for a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is denied.
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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 20, 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