

Decision No. C14-1083

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0715EC

IN THE MATTER OF THE PETITION OF KIFLOM TESFAY DOING BUSINESS AS
A B M CAR SERVICE, FOR AN ORDER OF THE COMMISSION AUTHORIZING A
WAIVER OF RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION DENYING WAIVER

Mailed Date: September 9, 2014

Adopted Date: September 3, 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 27, 2014 by Kiflom Tesfay, doing business as A B M Car Service (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 2004 Lincoln Town Car, VIN No. 1LNHM85W94Y644456. The waiver is requested from June 27, 2014 through June 27, 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 28, 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 2004 Lincoln Town Car 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, he may not provide luxury limousine service with this vehicle.

9. Petitioner operates as a limited regulation carrier (luxury limousine) pursuant to PUC Permit No. LL-01185. In support of the waiver, Petitioner states that he has spent money to keep the car in good condition and all his clients love it. Petitioner submitted pictures of the vehicle. The petition states that the total mileage on the vehicle is 420,000 miles, and the total mileage on the current engine is 118,000.

10. We find that the 2004 Lincoln Town Car named in this petition is not luxurious enough to justify a waiver of Rule 6305(b), 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, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) for the 2004 Lincoln Town Car named in this petition.

II. ORDER**A. The Commission Orders That:**

1. The petition of Kiflom Tesfay, doing business as A B M Car Service, 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
September 3, 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