

Decision No. C14-1099

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0792CP

IN THE MATTER OF THE PETITION OF SPECIFIC VEHICLES UNDER RULE 6213.

DECISION GRANTING WAIVER IN PART

Mailed Date: September 11, 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 Common/Contract Carrier Rules filed on July 22, 2014 by Premium Adventure Tours, LLC (Petitioner).

2. Petitioner is requesting a waiver of Rule 6213 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 1999 Ford E-350, VIN No. 1FBSS31M2XHA84909. The waiver is requested from July 22, 2014 through December 31, 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. 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 6213 4 CCR 723-6, states that intrastate regulated carriers (common and contract carriers) operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years old.

8. Petitioner operates as a common carrier from Denver and Boulder to specific locations in Copper Mountain, Idaho Springs, and Frisco pursuant to Certificate of Public Convenience and Necessity PUC No. 55791. Petitioner's Owner, Greg Books, who submitted the petition states the following as the reason for the waiver:

This vehicle was purchased just before the 12 year rule was brought about. We did not know this rule was coming, and specifically purchased a low mileage vehicle from a program which would serve our needs through the end of 2015. We do not have [a] budget for a new vehicle at this time, and will need time to restructure our vehicle life-cycle plan to incorporate this change. Buying a new vehicle at this time would create [a] severe economic hardship.

9. Petitioner submitted pictures of the vehicle. The petition lists the total mileage on the vehicle as 120,260miles.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 1999 Ford E-350 named in this petition.

11. Petitioner is advised that the grant of the waiver of Rule 6213 for the vehicle named in this petition 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 Premium Adventure Tours, LLC for a waiver of Rule 6213 for the 1999 Ford E-350, VIN No. 1FBSS31M2XHA84909, is granted, in part, from the Mailed Date of this Decision through December 31, 2015.

2. Premium Adventure Tours, LLC shall keep a copy of this Decision in the 1999 Ford E-350, VIN No. 1FBSS31M2XHA84909, named in this petition. Premium Adventure Tours, LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. Premium Adventure Tours, LLC shall have the 1999 Ford E-350 named in this petition 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. Premium Adventure Tours, LLC shall file with the Commission (in this proceeding) a copy of the completed inspection form within 30 days of the effective date of this Decision. If Premium Adventure Tours, LLC 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 6213 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
September 3, 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