

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0905EC

IN THE MATTER OF THE PETITION OF ANCEL INC. DOING BUSINESS AS AVI LIMO
FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION DENYING WAIVER

Mailed Date: October 20, 2014

Adopted Date: October 15, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on August 29, 2014 by Ancel Inc., doing business as Avi Limo (Petitioner). An amendment to the petition was submitted on September 5, 2014.

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 1996 Lincoln Town Car Executive, VIN No. 1LNLM81W1TY601650. The waiver is requested from September 2, 2014 to September 2, 2016.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 8, 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 1996 Lincoln Town Car Executive named in this petition is significantly 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. Pursuant to Rule 1501(c), of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, we administratively notice that by Decision No. C13-0659, in Proceeding No. 13V-0383EC issued June 4, 2013, the Commission granted Petitioner a waiver of Rule 6305(b) for the 1996 Lincoln Town Car Executive named in this petition from April 18, 2013 through April 17, 2014.

10. Petitioner operates as a limited regulation carrier (luxury limousine) pursuant to PUC Permit No. LL-02243. In support of the waiver, the president of Petitioner states that financial hardship is the reason for the waiver. Specifically, he states that “[i]f this waiver [is] not granted, the result would create a serious financial hardship on me and my family...” Petitioner submitted pictures of the vehicle. The petition states that the total mileage on the vehicle is 82,000 miles.

11. In consideration that Petitioner was previously granted a waiver and that the vehicle is 18 years old, we find that the 1996 Lincoln Town Car Executive named in this petition does not warrant 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 1996 Lincoln Town Car Executive named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Ancel Inc., doing business as Avi Limo, 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
October 15, 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