

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0901EC

IN THE MATTER OF THE PETITION OF 303 LUXURY CAR SERVICE LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) AGE OF MOTER VEHICLES AND RULE 6308(IV) OTHER LIMOUSINE RETAIL VALUE OF \$50,000 OR MORE.

DECISION DENYING WAIVER

Mailed Date: October 23, 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 September 2, 2014 by 303 Luxury Car Service LLC (Petitioner). An amendment to the petition was submitted on September 24, 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 1999 Lincoln Town Car Limousine, VIN No. 1L1FM81W6XY664876. This waiver is requested from August 26, 2014 through June 30, 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.” Currently the oldest model allowed by the rule is a 2004.

8. The 1999 Lincoln Town Car Limousine 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. Petitioner operates as a limited regulation carrier (luxury limousine) pursuant to PUC Permit No. LL-02435. In support of the waiver, the president of Petitioner states that the vehicle has been deemed mechanically safe and sound and has low mileage for its age.

10. We find that the 1999 Lincoln Town Car Limousine 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 1999 Lincoln Town Car Limousine named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of 303 Luxury Car Service 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 October 15, 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