

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0959EC

IN THE MATTER OF THE PETITION OF NADER FALLAHI, DOING BUSINESS AS GENTLE AND QUICK LIMOUSINE SERVICE, FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6308 (LUXURY LIMOUSINE) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: November 14, 2014
Adopted Date: November 12, 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 September 24, 2014, by Nader Fallahi, doing business as Gentle and Quick Limousine Service (Gentle and Quick Limousine).

2. Gentle and Quick Limousine is registered with the Commission as a luxury limousine carrier and was issued Permit No. LL-01070 on June September 6, 2001.

3. In its petition, Gentle and Quick Limousine requests a waiver of Rule 6308 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Luxury Limousine). The vehicle for which a waiver is requested is a 2011 Toyota Avalon, with a Vehicle Identification Number of 4T1BK3DB2BU401072. The waiver is requested from September 1, 2013 through September 1, 2020.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on October 6, 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. In support of this Petition, Mr. Nader Fallahi the owner of Gentle and Quick Limousine states:

I have included an Ad from one of the limousine industry magazines. More and more limo services in Colorado and other states, are adding Toyota Avalon[s] to their fleets. I think Colorado PUC ought to add Toyota Avalon[s] to the approved vehicles list. Avalon[s] [are] safe, roomy, luxurious, and close enough to a green car. I have purchased this vehicle to feed my family as a limo driver.

8. Rule 6308, 4 CCR 723-6, identifies four categories of luxury limousines. The category relevant to this petition is Rule 6308(a)(II) which reads:

(a) A luxury limousine is:

(II) Executive car, which is a motor vehicle that has four doors and is:

(A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, or Rolls Royce; or

(B) one of the following: Chrysler 300, Hyundai Equus, Saab 9-5, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion,

Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version).

9. Mr. Fallahi did submit an advertisement from Toyota for a 2014 Avalon Livery Edition. The advertisement describes the Avalon as a luxurious vehicle with a spacious interior. However, the Toyota Avalon is not currently identified as a luxury limousine in Rule 6308(a)(II).

10. The Commission finds that although the 2011 Toyota Avalon named in this petition may be similar to other vehicles named in Rule 6308(a)(II), Gentle and Quick Limousine did not provide sufficient or specific support to show that it would incur a financial hardship if the petition is not granted. Therefore, the Commission finds that good cause has not been shown to grant a waiver of Rule 6308 for the 2011 Toyota Avalon named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Nader Fallahi, doing business as Gentle and Quick Limousine Service for a waiver of Rule 6308 for the 2011 Toyota Avalon, Vehicle Identification No. 4T1BK3DB2BU401072, 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
November 12, 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