

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-1007EC

IN THE MATTER OF THE PETITION OF ALPINE TAXI/LIMO, INC., DOING BUSINESS AS ALPINE OR GO ALPINE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305 (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: November 24, 2014
Adopted Date: November 20, 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 October 7, 2014, by Alpine Taxi/Limo, Inc., doing business as Alpine or GO Alpine (GO Alpine).

2. GO Alpine requests a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles). GO Alpine, under limited regulation Permit No. LL-555, may provide luxury limousine service between all points in Colorado.

3. The vehicle for which a waiver is requested is a 1999 Lincoln Town Car, VIN No. 1L1FM81WXY689947. The waiver is requested from December 1, 2014, through November 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 October 20, 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 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 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.” The 1999 Lincoln Town Car is 16 model years old. Therefore, unless GO Alpine is granted a waiver of Rule 6305(b) it will not be able to operate the 1999 Lincoln Town Car as a luxury limousine.

8. In support of this petition Ms. Tracey Rogulski the general manager of GO Alpine, states:

This limo is a 1999 and currently has 43,015 miles. From December 1, 2012 through October 6, 2014, this limo was driven a total of 889 miles on 23 trips, with gross revenues of \$5,257.35.

We feel it is very important to provide our small community with luxury limousine service, and that both the condition of the exterior and interior of the vehicle is excellent. In fact, in our attempt to receive this waiver, we have spent \$2,000 on a few minor rust areas on the exterior.

We feel it would be a financial hardship for our company to purchase a vehicle that is in compliance with the 10 year rule. Upon investigation on the internet, a used 2007 Lincoln stretch comes in at \$23,000 and we would only be able to comply for 3 years. A 2013 came in at \$67,500. The small amount of revenue that we receive would not justify the purchase of a new vehicle.

9. Ms. Rogulski submitted five pictures of the interior and exterior of the 1999 Lincoln Town Car. The photographs of the Lincoln Town Car show it is in very good condition and has been modified to be a stretch limousine with a seating capacity of eight to ten passengers.

10. In consideration of the support provided by GO Alpine for this waiver and the fact that the vehicle has been converted to a stretch limousine, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 1999 Lincoln Town Car named in this petition. However, granting a waiver for 24 months may be excessive for this vehicle. Therefore, the waiver will be granted from December 1, 2014 through January 1, 2016.

11. GO Alpine is advised that the grant of the waiver of Rule 6305(b) for the 1999 Lincoln Town Car 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 Alpine Taxi/Limo, Inc., doing business as Alpine or GO Alpine (GO Alpine) for a waiver of Rule 6305(b) for the 1999 Lincoln Town Car, VIN No. 1L1FM81WXY689947 is granted in part from December 1, 2014 through January 1, 2016.

2. GO Alpine shall keep a copy of this Decision in the 1999 Lincoln Town Car and shall provide this Decision immediately on request by any Commission enforcement official.

3. GO Alpine shall have the 1999 Lincoln Town Car 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. GO Alpine shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If GO Alpine 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 6305(b) 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
November 20, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners