

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-377CP-WAIVER

IN THE MATTER OF THE APPLICATION OF FREEDOM CABS, INC. FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 25.5 (AGE OF VEHICLES) OF THE COMMISSION'S RULES AND REGULATIONS AND CIVIL PENALTIES GOVERNING COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE FOR HIRE, 4 CCR-723-31.

COMMISSION ORDER GRANTING WAIVER

Mailed Date: September 3, 2004
Adopted Date: September 1, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. By an application filed July 19, 2004, Freedom Cabs, Inc. (Freedom Cabs), requests a waiver of Rule 25.5 (Age of Vehicles) of the Rules, Regulations, and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle For Hire, 4 CCR 723-31. The waiver request pertains to operations conducted under Certificate of Public Convenience and Necessity PUC No. 53638. The vehicle for which the waiver is requested is a 1994 Plymouth Grand Voyager with a Vehicle Identification Number of 1P4GH54L4RX335612. The waiver is requested from July 1, 2004 to July 1, 2005.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 26, 2004. The Commission set this matter for hearing on September 29, 2004.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is therefore uncontested. Under Rules 24 and 59(g), Rules of Practice and Procedure, 4 CCR 723-1, this matter may be determined without a hearing.

4. Commission Rule 25.5, 4.CCR 723-31 prohibits a carrier from using vehicles older than ten model years as of July 1st in taxi service. Rule 25.5, 4.CCR 723-31 states

Taxicab vehicles shall be no older than six model years as of July 1st of each year.

For the purpose of this rule, model years shall be counted from the present calendar year and shall include the present calendar year and the five previous calendar years. Vehicles that are older than six model years but not more than ten model years, may be exempted from this rule. To qualify for the exemption, the vehicle, at the time of its periodic inspection, must be in outstanding physical condition in the opinion of the Commission's safety inspector.

5. The 1994 Plymouth Grand Voyager identified in this application is over ten model years old as of July 1, 2004. Therefore, unless Freedom Cabs is granted a waiver of Rule 25.5, 4 CCR 723-31 for the vehicle named in this application, Freedom Cabs must stop providing taxi service with this vehicle.

6. In support of this application, Freedom Cabs states "The reason for this petition for waiver is to avoid a financial hardship for the driver. Mr. Dennis Gray (the vehicle owner) has spent considerable sums of money in the last 15 months to assure excellent performance, reliability and safety standards for this vehicle. This has left him (temporarily) without the means to purchase a newer vehicle.

7. The Commission finds that the information submitted with this application warrants the granting of a waiver of Rule 25.5, 4 CCR 723-31.

8. Commission staff inspected this vehicle on August 12, 2004, and found it to be in safe operating condition and good overall condition.

9. However, Freedom Cabs is advised that the granting of the waiver of Rule 25.5, 4 CCR 723-31 for the vehicle named in this application does not ensure that this vehicle will pass a future safety inspection by staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. Freedom Cabs is granted a waiver of Rule 25.5, 4 *Code of Colorado Regulations* 723-31; *Rules, Regulations, and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle Carriers Exempt From Regulation as Public Utilities* for the 1994 Plymouth Grand Voyager named in this application. The term of this waiver shall be from July 1, 2004, through July 1, 2005.

2. The hearing set for September 29, 2004, is vacated.

3. 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 Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
September 1, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners