

Decision No. C14-0024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13V-1247CP

IN THE MATTER OF THE PETITION OF RAINBOWS, INC., DOING BUSINESS AS 453-TAXI FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6254(B) (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: January 8, 2014

Adopted Date: January 8, 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 Common/Contract Carrier Rules filed on November 22, 2013 by Rainbows, Inc., doing business as 453-TAXI (453-TAXI or Applicant).

2. Applicant requests a waiver of Rule 6254(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 1998 Ford Crown Victoria, VIN No. 2FAFP74W5WX111866. The waiver is requested from December 15, 2013 through March 31, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on December 2, 2013.

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. Applicant, under Certificate No. 54842, may provide taxi service between all points in Summit County, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

7. 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.

8. Rule 6254(b), 4 CCR 723-6, states that “[t]axicab carriers subject to this rule shall not use taxicabs older than ten model years as of July 1 of each year.” Pursuant to § 40-10.1-106(1), C.R.S., the Commission enacted Rule 6254(b) regarding the age of motor vehicles for taxicab carriers operating within or between counties with a population density of 40 or more people per square mile to ensure public safety, consumer protection, and service quality.

9. The 1998 Ford Crown Victoria named in this petition is older than the ten model years allowed by Rule 6254(b). Thus, unless 453-TAXI is granted a waiver of Rule 6254(b) for the vehicle named in this petition, it may not provide taxi service with this vehicle.

10. In support of this petition, Mr. David Hirschhorn the owner of 453-TAXI states:

This vehicle is going to be used up to 20 hours a week on Friday and Saturday night[s] from December 15, 2013 through March 31, 2014 and from December 15, 2014 through March 31, 2015. This vehicle will only be available for use in the County of Summit[,] State of Colorado.

11. However, the support provided by Mr. Hirschhorn does not include any information to assist the Commission in determining if 453-TAXI faces economic hardship if this waiver is not granted

12. Therefore, the Commission finds that 453-TAXI has not shown good cause to grant a waiver of Rule 6254(b) for the 1998 Ford Crown Victoria named in this petition.

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver/Variance of Common/Contract Carrier Rules filed on November 22, 2013 by Rainbows, Inc., doing business as 453-TAXI 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
January 8, 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