

Decision No. C14-0044

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13V-1244EC

IN THE MATTER OF THE PETITION OF KNIGHT RYDER LIMOUSINE SERVICE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: January 14, 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 Limited Regulation Carrier Rules filed on November 15, 2013, by Knight Ryder Limousine Services (Petitioner).

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 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested involves a 1998 Lincoln Town Car, VIN No. 1L1FM81W9WY612902. The waiver is requested from November 14, 2013 through November 14, 2014.

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. 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.”

8. Petitioner does not hold authority from the Commission to operate as a limited regulation passenger carrier (luxury limousine).¹ Petitioner states, in relevant part, the following as the reason for the waiver: “I was laid-off 12-31-12. I have had no success in finding new employment. Therefore, I bought the limo with a need for one in Ft. Collins. ... I have invested [a lot] of my time, my money and hard work into this adventure. I have had to install a new re-manufactured engine, new tires, brakes, pitman arm and new wheel alignment.”

9. Petitioner submitted pictures of the interior and exterior of the vehicle. It is a large, stretched limousine with a luxurious interior. The petition states that the vehicle has a total mileage of 232,977 miles, but that the current engine has 186.5 miles.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 1998 Lincoln Town Car named in this petition.

¹ Pursuant to Rule 6003, 4 CCR 723-6, any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in Rule 1003, 4 CCR 723-1.

11. Petitioner is advised that the grant of the waiver of Rule 6305(b) for the vehicle named in this petition 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 Knight Ryder Limousine Services for a waiver of Rule 6305(b) for the 1998 Lincoln Town Car, VIN No. 1L1FM81W9WY612902, is granted, in part, from the mailed date of this Decision through November 14, 2014.

2. Knight Ryder Limousine Services shall keep a copy of this Decision in the 1998 Lincoln Town Car, VIN No. 1L1FM81W9WY612902, named in this petition. Knight Ryder Limousine Services shall provide this Decision immediately on request by any Commission enforcement official.

3. Knight Ryder Limousine Services shall have the 1998 Lincoln Town Car named in this petition 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. Knight Ryder Limousine Services shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Knight Ryder Limousine Services 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
January 8, 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

Commissioners

COMMISSIONER GLENN A. VAAD
NOT PARTICIPATING.