

Decision No. C14-0097

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13V-1134EC

IN THE MATTER OF THE PETITION OF JOHN HAFER, DOING BUSINESS AS
A CUSTOM COACH FOR AN ORDER OF THE COMMISSION AUTHORIZING A
WAIVER OF RULE 6305(B) (AGE OF MOTOR VEHICLE) OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: January 24, 2014
Adopted Date: January 15, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a letter filed on January 3, 2014, by John Hafer, doing business as A Custom Coach (A Custom Coach). In this letter, Mr. Hafer requests that the Commission reconsider Decision No. C13-1529.

2. We will construe this letter as a motion for the rehearing, reargument, or reconsideration of Decision No. C13-1529.

3. A Custom Coach filed a Petition for Waiver/Variance of Limited Regulation Carrier Rules (Petition) on October 23, 2013. In this Petition, A Custom Coach requested a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 for a 2001 Ford E 350, VIN No. 1FDSS34S81HB09224. The waiver was requested from September 6, 2013 through September 6, 2018.

4. The Commission noticed this Petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 4, 2013. No petition to intervene or otherwise participate in this proceeding was filed. This proceeding was therefore uncontested.

5. 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.

6. 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 2001 Ford E 350 named in this Petition is older than the ten model years allowed by Rule 6305(b). Thus, unless A Custom Coach is granted a waiver of Rule 6305(b) for the vehicle named in this Petition, it may not provide luxury limousine service with this vehicle.

7. A Custom Coach operates as a limited regulation passenger carrier (luxury limousine) pursuant to PUC Permit No. LL-249. A Custom Coach provided limited support for the waiver but did state that the vehicle is in excellent condition. A Custom Coach indicated the total mileage on the Ford E 350 as 158,715.

8. In consideration of the limited information provided in support of the Petition, the Commission found that A Custom Coach has not satisfied the requirements of Rule 1003, 4 CCR 723-1. Specifically, A Custom Coach has not demonstrated how granting this waiver would remedy hardship, enhance equity, or advance more effective implementation of policy. In addition, the Commission found that the 2001 Ford E 350 named in this Petition is not

luxurious enough to justify a waiver of Rule 6305(b), which was enacted to ensure public safety, consumer protection, and service quality pursuant to § 40-10.1-106(1), C.R.S. Therefore, the Commission concluded that A Custom Coach had not shown good cause to grant a waiver of Rule 6305(b) for the 2001 Ford E 350 named in this Petition.

9. Mr. Hafer submitted the following information as support for the request for the Commission to reconsider Decision No. C13-1529:

I have a total of 14 vehicles in my fleet and with having 6 of those denied will put a[n] extreme financial hardship on my company and would enable [*sic*] me to continue to run my business in the way I have for the last 24 years.

Please reconsider a waiver for this vehicle for at least 2 years in order for me to absorb the financial cost which could be anywhere from a 150,000.00 to 200,000.00 to have all these replaced.

10. The Commission does understand that the cost of replacing 6 of the 14 vehicles operated by A Custom Coach could be significant. However, the age requirement rule for luxury limousines has been in effect for at least six years, and the vehicle named in this Petition is already three years older than allowed by the rule.

11. The Commission finds that A Custom Coach has not shown good cause to reconsider Decision No. C13-1529.

II. ORDER

A. The Commission Orders That:

1. The request for rehearing, reargument, or reconsideration of Decision No. C13-1529 filed on January 3, 2014, by John Hafer, doing business as A Custom Coach is denied, consistent with the discussion above.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 15, 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