

Decision No. C14-0199

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0039EC

IN THE MATTER OF THE PETITION OF BRENT HAUGER DOING BUSINESS AS ALL MAJESTIC LIMOUSINE 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: February 25, 2014
Adopted Date: February 19, 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 January 7, 2014, by Brent Hauger, doing business as All Majestic Limousine (All Majestic).

2. All Majestic requests a waiver of Rule 6305(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 2000 Lincoln Town Car Executive, VIN No. 1L1FM81WXY915657. The waiver is requested from January 6, 2014 through December 31, 2016.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 13, 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 a hearing.

6. 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.

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. The 2000 Lincoln Town Car Executive named in this petition is older than the ten model years allowed by Rule 6305(b). Thus, unless All Majestic 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. All Majestic was previously granted a waiver on this vehicle for a period of one year beginning on October 11, 2011, in Proceeding No. 11V-671EC.

9. All Majestic operates as a limited regulation passenger carrier (luxury limousine) pursuant to PUC Permit No. LL-01988. All Majestic’s petition emphasized the nature of the interior features of the vehicle, and stated that the vehicle had recently received a new transmission. All Majestic indicated the total mileage on the Town Car Executive at 160,070.

10. The Commission finds that All Majestic has not satisfied the requirements of Rule 1003, 4 CCR 723-1. Specifically, All Majestic has not demonstrated how granting this waiver would remedy hardship, enhance equity, or advance more effective implementation of

policy. The Commission finds that the 2000 Lincoln Town Car Executive named in this petition does not at this time 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. It is in the public interest to ensure that luxury limousine carriers utilize newer, safer, and more luxurious vehicles with less wear and tear on them. Therefore, the Commission concludes that All Majestic has not shown good cause to grant a waiver of Rule 6305(b) for the 2000 Lincoln Town Car Executive named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Brent Hauger, doing business as All Majestic Limousine for a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, 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
February 19, 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