

Decision No. C14-0209

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0021EC

IN THE MATTER OF THE PETITION OF SILVERADO LIMOUSINE LLC 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: 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 3, 2014, by Silverado Limousine LLC (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 2000 Lincoln Town Car, VIN No. 1L1FM81W0YY825577. The waiver is requested from January 1, 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. 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 has an address in Dacono, Colorado and states that the vehicle will be used on Fridays and Saturdays for weddings, night-outs, and travel to and from the airport. Petitioner further states that the limousine is in excellent condition and that “we would like to provide affordable service to customers in our area.” 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 116,775 miles. Petitioner also submitted an annual vehicle inspection report showing that the vehicle passed inspection on December 26, 2013.

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.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2000 Lincoln Town Car named in this petition. Given the age of the vehicle, the Commission concludes that a waiver for almost two years, as opposed to the requested three years, is a reasonable amount of time for a waiver.

10. 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 Silverado Limousine LLC for a waiver of Rule 6305(b) for the 2000 Lincoln Town Car, VIN No. 1L1FM81W0YY825577, is granted, in part, from the mailed date of this Decision through December 31, 2015.

2. Silverado Limousine LLC shall keep a copy of this Decision in the 2000 Lincoln Town Car, VIN No. 1L1FM81W0YY825577, named in this petition. Silverado Limousine LLC shall provide this Decision immediately on request by any Commission enforcement official.

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 Decision.

4. 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



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners